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LEGISLATIVE HISTORY
Public Law 91-656
H.R. 13000

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INDEX AND SUMMARY OF H.R. 13000

July 22, 1969	Rep. Udall introduced H.R. 13000 which was referred to House Post Office and Civil Service Committee. Print of bill as introduced.
July 24, 1969	Full committee referred H.R. 13000 to sub committee with instructions.
Aug. 7, 1969	House committee voted to report H.R. 13000.
Sept. 9, 1969	House committee reported H.R. 13000 with amendment. H. Rept. 91-480. Print of bill and report.
Oct. 14, 1969	House passed H.R. 13000 with amendments.
Oct. 16, 1969	H.R. 13000 was referred to Senate Post Office and Civil Service Committee. Print of bill as referred.
Dec. 8, 1969	Senate committee reported H.R. 13000. S. Rept. 91-582 Print of bill and report.
Dec. 12, 1969	Senate passed H.R. 13000.
Dec. 17, 1969	House conferees were appointed.
Dec. 18, 1969	Senate conferees were appointed.
Dec. 9, 1970	House received conference report. H. Rept. 91-1685.
Dec. 30, 1970	Senate agreed to conference report.
Dec. 31, 1970	House agreed to conference report.
Jan. 8, 1971	Approved: P.L. 91-656

H. R. 13000

91ST CONGRESS
1ST SESSION

H. R. 13000

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 1969

Mr. UDALL (for himself, Mr. CORBETT, Mr. OLSEN, Mr. DANIELS of New Jersey, Mr. NIX, Mr. CHARLES H. WILSON, Mr. WALDIE, Mr. WILLIAM D. FORD, Mr. HAMILTON, Mr. BRASCO, Mr. TIERNAN, Mr. PURCELL, Mr. CUNNINGHAM, Mr. JOHNSON of Pennsylvania, Mr. BUTTON, Mr. MESKILL, Mr. LUKENS, and Mr. HOGAN) introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Salary Comparability Act of 1969".

SEC. 2. Sections 5301 and 5302 of title 5, United States Code, are amended to read as follows:

"§ 5301. Policy

"(a) It is the policy of Congress that rates of pay for

employees within the purview of this section be based on the principles that—

"(1) there be equal pay under each pay system for substantially equal work;

"(2) pay distinctions be maintained in keeping with work distinctions; and

"(3) rates of pay be comparable, on a national basis, with private enterprise rates of pay for the same levels of work.

"(b) Rates of pay shall be adjusted annually, in accordance with the policy set forth in subsection (a) of this section and the procedures prescribed by section 5302 of this title, for those employees subject to the provisions of—

"(1) section 5332 of this title, relating to employees under the General Schedule;

"(2) part III of title 39, relating to employees in the postal field service;

"(3) sections 867 and 870 of title 22, relating to officers, staff officers, and employees in the Foreign Service of the United States; and

"(4) section 4107 of title 38, relating to physicians, dentists, and nurses in the Department of Medicine and Surgery, Veterans' Administration.

"§ 5302. **Federal Employee Salary Commission; Federal Employee Salary Board of Arbitration**

"(a) There is established, as a permanent agency of the Government, a Federal Employee Salary Commission, referred to as the 'Commission'.

"(b) The Commission shall be composed of 8 members and 3 associate members, as follows:

"(1) the Chairman of the Civil Service Commission or, in his absence, someone designated by him, who shall be Chairman;

"(2) 1 designated by the Director of the Bureau of the Budget;

"(3) 1 designated by the Secretary of Defense;

"(4) 1 designated by the Postmaster General;

"(5) 1 designated by the organization of employees having the largest number of members in the General Schedule;

"(6) 2, one designated by each of the 2 employee organizations having the largest number of members in the postal field service;

"(7) 1 designated by an employee organization, other than an organization designating a member pursuant to paragraph (5) or (6) of this subsection,

selected each year by the Chairman of the Civil Service Commission on a rotating basis after consultation with representatives of such employee organizations as the Commission determines appropriate; and

"(8) 3 associate members, one each designated by employee organizations, other than organizations designating members pursuant to paragraph (5), (6), or (7) of this subsection, selected each year by the Chairman of the Civil Service Commission on a rotating basis after consultation with representatives of such employee organizations as the Commission determines appropriate.

A member of the Commission has—

"(A) 1 vote, if designated under paragraph (2), (3), (4), (5), or (7) of this subsection;

"(B) one-half vote, if designated under paragraph (6) of this subsection; or

"(C) 1 vote to be cast only to break a tie vote of the Commission, if serving under paragraph (1) of this subsection.

Associate members of the Commission shall be entitled to attend all meetings of, consult with, and be heard by, the Commission, on all matters, but shall not have a vote.

"(c) The Commission shall, in accordance with the policy set forth in section 5301(a) of this title, after con-

sultation with representatives of such agencies and emloyee organizations as it determines appropriate—

"(1) prescribe, and revise from time to time as it deems appropriate, a comparability pay survey—

"(A) which will develop valid comparisons of (i) the rates of pay for employees within the purview of section 5301(b) of this title and (ii) the rates of pay for the same levels of work in private industry;

"(B) which shall be conducted annually by the Bureau of Labor Statistics in the Department of Labor; and

"(C) the results of which shall be reported by the Bureau of Labor Statistics to the Commission not later than July 31 of each year beginning with the year 1970;

"(2) prepare annually a comparative statement of the rates of pay for such employees and the rates of pay for the same levels of work in private industry as disclosed by such comparability pay survey;

"(3) determine and prescribe, on the basis of information and data disclosed by such annual comparability pay survey, the exact national rates of pay for

such employees which are necessary to effect the policy set forth in section 5301 (a) of this title; and

"(4) except as provided in subsection (e) and subsection (g) of this section, prepare and submit annually to the Congress a report setting forth—

"(A) the comparison of rates of pay prepared pursuant to paragraph (2) of this subsection; and

"(B) the exact national rates of pay for such employees prescribed by the Commission in accordance with paragraph (3) of this subsection.

"(d) (1) In the exercise of the authority and the performance of the duties vested in and imposed upon the Commission by this section, the Commission—

"(A) shall seek the views, in such manner as the Commission may provide, of such employee organizations as the Commissioner considers appropriate; and

"(B) give thorough consideration to those views.

"(2) All decisions of the Commission shall be by a majority vote. The votes shall be recorded. A record shall be maintained of the views, assenting or dissenting, of the members of the Commission. Such record of votes and views shall be available for public inspection and copying pursuant to the provisions of section 552 of this title.

"(e) If—

"(1) a member of the Commission designated pur-

suant to paragraph (5) or paragraph (6) of subsection (b) of this section, with respect to a pay system referred to in paragraph (1) or paragraph (2) of section 5301 (b) of this title;

"(2) a member of the Commission designated pursuant to paragraph (7) of subsection (b) of this section, with respect to a pay system referred to in section 5301 (b) of this title; or

"(3) the presidents of employee organizations representing not less than 50 per centum of the members of employee organizations subject to a pay system referred to in paragraph (3) or paragraph (4) of such section 5301 (b), with respect to a pay system referred to in such paragraph (3) or paragraph (4);

determine, and advise the Commission, that the rates of pay applicable to the appropriate pay system, as such rates are prescribed by the Commission, are not in conformity with the policy set forth in section 5301 (a) of this title, the Commission shall submit, not later than February 1 following such determination, such rates of pay to the Board established by subsection (f) of this section for consideration by the Board.

"(f) (1) There is established, as a permanent agency of the Government, a Federal Employee Salary Board of

Arbitration, referred to as the 'Board', which shall be composed of 7 members as follows:

"(A) 2 Members of the United States Senate designated by the President pro tempore of the Senate, each from a different political party;

"(B) 2 Members of the United States House of Representatives designated by the Speaker of the House, each from a different political party;

"(C) 1 designated by the Chairman of the Civil Service Commission;

"(D) 1, who may serve not more than 2 consecutive years, designated by a majority vote of the presidents of the four employee organizations which have designated members currently serving on the commission under paragraph (5), (6), or (7) of subsection (b) of this section with each president of the employee organization under paragraph (5) or (7) having one vote and each president of the organizations under paragraph (6) having one-half vote; and

"(E) 1 designated by a majority of the members of the Board referred to in paragraphs (A) to (D), inclusive, of this subsection from the membership of the American Arbitration Association, who shall be Chairman of the Board.

"(2) The Board shall consider the rates of pay sub-

mitted to it by the Commission pursuant to subsection (c) of this section and determine whether or not such rates of pay conform with the policy set forth in section 5301 (a) of this title. If the Board determines that such rates of pay do not so conform, the Board shall prepare such rates of pay as will conform with such policy. The Board shall transmit to the Commission not later than the 30th day following the date the Board received the rates of pay submitted to it by the Commission, a report setting forth—

"(A) the decision of the Board with respect to the rates of pay submitted by the Commission;

"(B) the reasons for the decision of the Board; and

"(C) such rates of pay as the Board shall have determined to be necessary to conform with the policy set forth in such section 5301 (a).

The decision of the Board, and such rates of pay as it may prepare in accordance with this paragraph, shall be final and conclusive.

"(g) (1) Except as provided in paragraph (2) of this subsection, the Commission shall submit to the Congress the first report pursuant to paragraph (4) of subsection (c) of this section, based on the 1969 national survey of professional, administrative, technical, and clerical pay, not later than February 1, 1970, and subsequent reports pur-

suant to such paragraph (4) not later than February 1 of each year thereafter.

"(2) In the case of the submission of rates of pay by the Commission to the Board pursuant to subsection (c) of this section, the Commission, immediately upon receipt of the final and conclusive decision of the Board, shall submit to the Congress the decision of the Board and such rates of pay as the Board shall have determined to be necessary to conform with the policy set forth in section 5301 (a) of this title.

"(h) (1) Except as provided in paragraph (2) of this subsection, all or part (as the case may be) of the rates of pay submitted to the Congress as provided in subsection (c) (4) or subsection (g) of this section shall become effective at the beginning of the first pay period which begins on or after the first day of the year in which such rates of pay are submitted; but only to the extent that, within 30 days after such rates of pay are submitted to the Congress—

"(A) there has not been enacted into a law a statute which establishes rates of pay other than those proposed by all or part of such recommendations,

"(B) neither House of Congress has adopted a resolution which specifically disapproved all or part of such recommendations, or

"(C) both.

"(2) Any part of the recommendations may, in accordance with express provisions of such recommendations, be made operative on a date earlier than the date on which such recommendations otherwise are to take effect.

"(3) (A) The rates of pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28 shall be increased, effective on the first day of the first pay period which begins on or after the first day of the year in which increases are granted pursuant to this section, by amounts equal, as nearly as may be practicable, to the increases provided pursuant to this section for corresponding rates of pay.

"(B) Notwithstanding section 3679 of the revised statutes, as amended (31 U.S.C. 665), the rates of pay of officers and employees of the Federal Government and of the government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased pursuant to this section are hereby authorized to be increased, effective on the first day of the first pay period which begins on or after the first day of the year in which increases are granted pursuant to this section, by amounts not to exceed the increases provided pursuant to this section for corresponding rates of pay in the appropriate schedule or scale of pay.

"(C) Nothing contained in this section shall be held

or considered to authorize any increase in the rates of pay of officers and employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(D) Nothing contained in this section shall affect the authority contained in any law pursuant to which rates of pay may be fixed by administrative action.

"(4) Retroactive pay, compensation, or salary shall be paid by reason of this section only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the government of the District of Columbia on the day immediately following the close of the 30-day period specified in subsection (h) (1) of this section, except that such retroactive pay, compensation, or salary shall be paid—

"(A) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after January 1, and ending on the day immediately following the close of the 30-day period specified in subsection (h) (1) of this section, for services rendered during such period, and

"(B) in accordance with subchapter VIII of chapter 55 of this title, relating to settlement of accounts, for services rendered. during the period beginning on the

first day of the first pay period which began on or after January 1, and ending on the day immediately following the close of the 30-day period specified in subsection (h) (1) of this section, by an officer or employee who died during such period.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of this title, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

"(5) For the purposes of paragraph (4) of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the government of the District of Columbia.

"(i) Each member and each associate member of the Commission and each member of the Board shall be allowed travel expenses, including a per diem allowance in accordance with section 5703 (b) of this title. Each such member or associate member who is not an employee or a Member of Congress shall be paid at a rate equal to the per diem equiv-

alent of the maximum rate of basic pay of the General Schedule for each day he is engaged in the performance of services for the Commission or the Board, as the case may be, except that the member from the American Arbitration Association may be paid the usual fees.

"(j) (1) Without regard to the provisions of this title governing appointments in the competitive service and of chapter 51 and subchapter III of chapter 53 of this title, relating to classification and General Schedule pay rates, and on a temporary basis—

"(A) the Commission and the Board each is authorized to appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of this title; and

"(B) with the approval of the Commission or the Board, as appropriate, the Executive Director may appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule) of such additional personnel as may be necessary to carry out the functions of the Commission or of the Board, as applicable.

"(2) Upon the request of the Commission or of the Board, the head of any department, agency, or establishment of any branch of the Federal Government is authorized to detail, on a reimbursable basis, any of the personnel of such

department, agency, or establishment to assist the Commission or the Board, as appropriate, in carrying out its functions.

"(k) The Commission and the Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

"(l) The Administrator of the General Services shall provide administrative support services for the Commission and the Board on a reimbursable basis.

"(m) The rates of pay which become effective pursuant to this section shall be held and considered to modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

"(A) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of such rates (other than any provision of law enacted in the 30-day period specified in paragraph (1) of subsection (h) of this section with respect to such rates); and

"(B) any prior recommendations of the President which took effect under prior provisions of law.

"(n) The rates of pay which become effective pursuant to this section shall be printed in the statutes at large in the same volume as public laws and shall be printed in the Fed-

eral Register and included in the Code of Federal Regulations.

"(o) Any increase in rates of pay which becomes effective pursuant to this section is not an equivalent increase in pay within the meaning of section 5335 of this title or section 3552 of title 39.

"(p) Any rate of pay which becomes effective pursuant to this section shall be initially adjusted, effective on the effective date of such rate of pay, under conversion rules prescribed by the President or by such agency as the President may designate.

"(q) The rates of pay of personnel subject to sections 210 and 213 (except subsections (d) and (e)) of the Federal Salary Act of 1967 (81 Stat. 633, 635; Public Law 90–206), and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, by amounts which are equal, insofar as practicable and with such exceptions as may be necessary to provide for appropriate relationships between positions, to the amounts of the adjustments made pursuant to this section, by the following authorities—

(1) the Director of the Administrative Office of the United States Courts, with respect to the judicial branch of the Government; and

(2) the Secretary of Agriculture, with respect to

persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

Such adjustments shall be made in such manner as the appropriate authority concerned deems advisable and shall have the force and effect of statute. Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.".

SEC. 3. The table of contents of subchapter I of chapter 53 of title 5, United States Code, is amended by striking out—

"5302. Annual reports on pay comparability."

and inserting in lieu thereof—

"5302. Federal Employee Salary Commission; Federal Employee Salary Board of Arbitration.".

SEC. 4. Section 3552(a) of title 39, United States Code, is amended to read as follows:

"(a)(1) Each employee subject to the Postal Field Service Schedule and each employee subject to the Rural Carrier Schedule who has not reached the highest step for his position shall be advanced successively to the next higher step as follows:

"(A) to steps 2, 3, 4, 5, 6, and 7—at the beginning of the first pay period following the completion of 26 calendar weeks of satisfactory service; and

"(B) to steps 8 and above—at the beginning of the first pay period following the completion of 52 calendar weeks of satisfactory service.

"(2) The receipt of an equivalent increase during any of the waiting periods specified in this subsection shall cause a new full waiting period to commence for further step increases.

"(3) An employee subject to the Postal Field Service Schedule who returns to a position he formerly occupied at a lower level may, at his request, have his waiting periods adjusted, at the time of his return to the lower level, as if his service had been continuous in the lower level.".

SEC. 5. (a) Each employee in levels 1 through 11 of the Postal Field Service Schedule and each employee subject to the Rural Carrier Schedule—

(1) who is in a step below the 2 top steps of his level shall be advanced 2 steps; or

(2) who is in either of the 2 top steps of his level shall receive basic compensation at a rate equal to his rate of basic compensation in effect immediately prior to the effective date of this subsection plus the amount of 2 step increases of his level.

Changes in levels or steps which would otherwise occur on the effective date of this subsection without regard to the enactment of this subsection shall be deemed to have occurred

prior to adjustments under this subsection. Each such employee who receives an adjustment under this subsection shall commence a new full waiting period, for further step increase purposes under section 3552 (a) of title 39, United States Code, on the first day of the first pay period which begins on or after July 1, 1970, and service by such an employee on or after the effective date of this section and prior to the beginning of such pay period in July, 1970, shall not be credited for such step increase purposes.

(b) For the purposes of the initial application of section 3552 (a) of title 39, United States Code, as amended by section 4 of this Act, credit for satisfactory service performed by an employee in levels 12 or above of the Postal Field Service Schedule since his last step increase prior to the effective date of section 4 of this Act, shall be granted in an amount not in excess of the amount of service required for a one step increase applicable to the step category of the employee.

SEC. 6. Section 5545 (c) (2) of title 5, United States Code, is amended to read as follows:

"(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances

which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 per centum nor more than 25 per centum, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS–10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position.".

SEC. 7. (a) Section 5942 of title 5, United States Code, is amended to read as follows:

"§ 5942. Allowance based on duty at remote worksites

"Notwithstanding section 5536 of this title, an employee of an Executive agency who is assigned to duty, except temporary duty, at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable amount of expense, hardship, and inconvenience on the part of the employee in commuting to and from his residence and such worksite is entitled, in addition to pay otherwise due him, to an allowance of not to exceed $10 a day. The allowance shall be paid under regulations prescribed by the President establishing the rates at

which the allowance will be paid and defining and designating those sites, areas, and groups of positions to which the rates apply.".

(b) Notwithstanding section 5536 of title 5, United States Code, and the amendment made by subsection (a) of this section, and until the effective date of regulations prescribed by the President under such amendment—

(1) allowances may be paid to employees under section 5942 of title 5, United States Code, and the regulations prescribed by the President under such section, as in effect immediately prior to the effective date of this section; and

(2) such regulations may be amended or revoked in accordance with such section 5942 as in effect immediately prior to the effective date of this section.

(c) The table of contents of subchapter IV of chapter 59 of title 5, United States Code, is amended by striking out—

"5942. Allowance based on duty on California offshore islands or at Nevada Test Site."

and inserting in lieu thereof—

"5942. Allowance based on duty at remote worksites.".

SEC. 8. (a) Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations

"(a) An employee of the Corps of Engineers, Department of the Army, engaged in floating plant operations may be furnished quarters or subsistence, or both, on vessels, without charge, when the furnishing of the quarters or subsistence, or both, is determined to be equitable to the employee concerned, and necessary in the public interest, in connection with such operations.

"(b) Notwithstanding section 5536 of this title, an employee entitled to the benefits of subsection (a) of this section while on a vessel, may be paid, in place of these benefits, an allowance for quarters or subsistence, or both, when—

"(1) adverse weather conditions or similar circumstances beyond the control of the employee or the Corps of Engineers prevent transportation of the employee from shore to the vessel; or

"(2) quarters or subsistence, or both, are not available on the vessel while it is undergoing repairs.

"(c) The quarters or subsistence, or both, or allowance in place thereof, may be furnished or paid only under regulations prescribed by the Secretary of the Army.".

(b) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by adding—

"5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations."

immediately below—

"5946. Membership fees; expenses of attendance at meetings; limitations.".

(c) The Act entitled "An Act to authorize the furnishing of subsistence and quarters without charge to employees of the Corps of Engineers engaged on floating plant operations", approved May 13, 1955 (69 Stat. 48; Public Law 35, Eighty-fourth Congress) is repealed.

SEC. 9. (a) This section, the first section, and sections 2 and 3 of this Act shall become effective on the date of enactment of this Act.

(b) Sections 5, 6, 7, and 8 of this Act shall become effective on the first day of the first pay period which begins on or after October 1, 1969.

(c) Section 4 of this Act shall become effective on the first day of the first pay period which begins on or after July 1, 1970.

91ST CONGRESS
1ST SESSION

H. R. 13000

A BILL

To implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.

By Mr. UDALL, Mr. CORBETT, Mr. OLSEN, Mr. DANIELS of New Jersey, Mr. NIX, Mr. CHARLES H. WILSON, Mr. WALDIE, Mr. WILLIAM D. FORD, Mr. HAMILTON, Mr. BRASCO, Mr. TIERNAN, Mr. PURCELL, Mr. CUNNINGHAM, Mr. JOHNSON of Pennsylvania, Mr. BUTTON, Mr. MESKILL, Mr. LUKENS, and Mr. HOGAN

JULY 22, 1969

Referred to the Committee on Post Office and Civil Service

21. OPINION POLL. Rep. Johnson, Pa., inserted the results of a questionnaire, including items of interest to this Department. pp. E6266-8

22. TAXATION. Rep. Halpern inserted his letter to Rep. Mills "outlining the urgent need for tax reform, and especially tax relief." pp. E6269-70

BILLS INTRODUCED

23. TAXATION. H. R. 13080 by Rep. Mills, to continue for an additional 15 days the existing rates of income tax withholding at source; to Ways and Means Committee.

24. EMPLOYMENT. H. R. 13081 by Rep. Bennett, to encourage employment among the needy and to provide job opportunities; to Ways and Means Committee.

25. PERSONNEL. H. R. 13082 by Rep. Bennett, to permit an individual who is eligible for a civil service retirement annuity to waive his right to have military service after 1956 included in the computation of any benefits to which he is or may become entitled under title II of the Social Security Act, and to include such service instead in the computation of such annuity; to Ways and Means Committee.

26. CONSUMERS. H. R. 13087 by Rep. Dingell, to establish an independent agency to be known as the U. S. Office of Consumers' Counsel to represent the interests of the consumers of the Nation; to Interstate and Foreign Commerce Committee.

27. FARM PROGRAM. H. R. 13101 by Rep. Robison, to adjust agricultural production, to provide a transitional program for farmers; to Agriculture Committee.

28. FOREIGN AFFAIRS. H. R. 13102 by Rep. Rosenthal, to amend the Foreign Assistance Act, as amended, to authorize the Secretary of State to participate in the development of a large prototype desalting plant in Israel; to Foreign Affairs Committee.

29. WILDERNESS. H. R. 13103 by Rep. Steiger of Arizona, to designate certain lands in the Petrified Forest National Park in Arizona as wilderness; to Interior and Insular Affairs Committee.

30. HOLIDAY. H. R. 13105 by Rep. McClory, to provide that Space Exploration Day shall be a legal public holiday which shall be celebrated on the third Monday in July; to Judiciary Committee. Remarks of author p. H6294.

31. ELECTRIFICATION. H. R. 13107 by Rep. Saylor, to establish a uniform Federal policy for repayment of costs of Federal electric power projects, to provide the Secretary of the Interior with authority to carry out this policy; to Interior and Insular Affairs Committee. Remarks of author pp. H6304-8.

12. CENSUS; PERSONNEL. The Post Office and Civil Service Committee voted to report (but did not actually report) H. R. 12884, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, and H. R. 12979, to grant court leave to employees of the U. S. and D. C. when called as witnesses in certain judicial proceedings on behalf of State and local governments. p. D670

The "Daily Digest" states that the Post Office and Civil Service Committee "referred back to the subcommittee...for further consideration H. R. 13000, to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, with instructions to report back to the full committee on August 7." p. D670

13. APPROPRIATIONS. Passed 366-31, with amendment H. R. 12964, the State, Justice, and Commerce, the Judiciary and related agencies appropriation bill, 1970. pp. H6268-84, H6321

The Appropriations Committee reported H. R. 13111, the Depts. of Labor, HEW, and related agencies appropriation bill, 1970 (H. Rept. 91-391). p. H6327

14. BUDGET; INFLATION. Rep. Meskill agreed with the administration's attempts to "control inflation and balance the budget" but criticized the President's budget request for "$807,000 for the controversial Dickey-Lincoln power project."

Rep. Udall inserted the report he sent his constituents on "the problem of inflation." pp. H6309-15

15. POPULATION. Rep. Brown, Calif., commended the administration's proposed population program. pp. H6323-26

16. FOREIGN AID. Received from State a proposed amendment to the proposed Foreign Assistance Act of 1969; to Foreign Affairs Committee. p. H6327

17. LEGISLATIVE PROGRAM. The "Daily Digest" states that on Mon., the House will consider the surtax extension bill and the bill to provide for a separate Federal credit union agency. p. D669

EXTENSION OF REMARKS

18. FIRE RESEARCH. Rep. Daniels, N. J., inserted testimony in behalf of funding the Fire Research and Safety Act. pp. E6255-6

19. FARM PROGRAM. Rep. Sebelius stated that the American farmer "is being driven into poverty", and inserted an article, "Underestimating the Farm Program and Its Effect May Lead to Further Upheaval In Economic Structure." pp. E6257-8

20. FOREIGN AID; LAND REFORM. Rep. Obey stated that "I applaud our efforts at land reform in Southeast Asia. I think, however, we should precede our efforts there by setting an example at home." pp. E6264-5

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued August 8, 1969
For actions of August 7, 1969
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HIGHLIGHTS: Senate subcommittee approved potato bills. House passed tax reform bill. Senate committee approved committee resolution requesting grazing fee schedules review.

HOUSE

1. TAXATION. Passed, 394-30, with amendments H. R. 13270, to reform the income tax laws (pp. H7073-150). A motion to recommit the bill was rejected (p. H7150). Rep. Gilbert summarized some of the provisions as follows: "Provides an allowance for low-income families of up to $1,100...increases the maximum standard deduction from 10 percent or $1,000 to 15 percent or $2000 ...tax rates on incomes of single persons, 35 years of age and over, will be reduced to correspond with 'head of household' rates...extends the surcharge by imposing a 5-percent surtax from January 1 to June 30, 1970...the 7-percent investment credit is repealed and excise taxes on automobiles and telephone service are continued."

Rep. Roth discussed his bill, H. R. 13353, the proposed Intergovernmental Revenue Act, which he stated will couple revenue sharing with a program of tax relief. He inserted the entire text of the bill. pp. H7159-68

2. SAFETY. The Rules Committee reported a resolution for the consideration of H. R. 7621, to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presences of electrical, mechanical, or thermal hazards. p. H7196

Rep. Bell commended the President's proposal on safety and health. pp. H7169-70

3. PAY COMPARABILITY. The Post Office and Civil Service Committee voted to report (but did not actually report) H. R. 13000, to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration. p. D740

4. PEACE CORPS. The Foreign Affairs Committee reported without amendment H. R. 11039, to amend further the Peace Corps Act (H. Rept. 91-456). p. H7196

5. INTEREST RATES. Rep. Patman inserted his news release in an attempt "to clarify" his position on mortgage interest rates. He said contrary to the published reports he does not support a permanent abolition of the interest rate ceiling on Government-backed mortgages. p. H7157

6. PESTICIDES. Rep. Whitten stated that he is "especially disturbed at today's climate of fear and anxiety concerning all chemical pesticides in general, and DDT in particular." He stated that "some of the most vocal antagonists of DDT seem to have lost perspective in viewing with alarm and fail to evaluate the contributions to the health and well-being of mankind that this remarkable chemical has provided during the past 30 years." He inserted an article on the subject. pp. H7157-58

7. TEXTILES. Rep. Stratton expressed his concern over "the mounting problem of foreign textile imports" and his hope for a voluntary quota agreement with Japan and other importing countries, or "unilateral legislation" on this subject. pp. H7190-91

8. ADJOURNED until Mon., Aug. 11. H7156

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
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POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
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HIGHLIGHTS: House passed bill to reserve certain lands for Pueblo de Taos Indians.

SENATE

1. GOLDEN EAGLE. The Interior and Insular Affairs Committee reported with amendment S. 2315, to restore the golden eagle program to the Land and Water Conservation Fund Act (S. Rept. 91-395). p. S10255

2. SOLID WASTE DISPOSAL. Sen. Boggs submitted and discussed an amendment to S. 2005, to amend the Solid Waste Disposal Act, which would establish a national commission on materials policy having as its long range purpose the improvement of environmental quality by development of materials and technology which would allow for the recycling of solid wastes. pp. S10263-8

3. PESTICIDES. Sen. Nelson commented upon and inserted newspaper articles on the conservation dispute relating to the Federal-State pesticides control programs and said the Department ....."unfortunately decided to delay action on its pest control programs at airports and is still giving the matter further consideration." pp. S10278-9

4. FOREST LAND. Sen. Metcalf commended and inserted an editorial calling for the protection of land that has been set aside for forest land which should, in his opinion, remain set aside. p. S10280

5. ENVIRONMENT. Sen. Tydings called for top-level action to preserve the natural resources of the Everglades National Park and a study of the environmental impact of the establishment of a jetport near the park. pp. S10285-8

6. ADJOURNMENT. Under unanimous consent agreed not to meet on Thursday, Sept. 10, in order that Senators may attend the funeral of Sen. Dirksen. p. S10245

HOUSE

7. PERSONNEL. The Post Office and Civil Service Committee reported with amendment H. R. 13000, to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration (H. Rept. 91-480). p. H7742

8. PROCUREMENT. The Rules Committee reported a resolution for the consideration of H. R. 474, to establish a Commission on Government Procurement. p. H7742

9. NATIONAL PARKS. Passed as reported H. J. Res. 247, relating to the administration of the national park system (pp. H7689-96). Rep. Aspinall explained that the bill as passed would authorize the Secretary of the Interior to permit overnight use of group campgrounds on regularly designated campgrounds and on campgrounds open to such use by all persons (p. H7695).

10. INDIAN LANDS. Passed as reported H. R. 471, to reserve the Blue Lake area, N. Mex., for the Pueblo de Taos Indians. pp. H7689, H7696-705
Rejected the following amendment:
By Rep. Dingell in the nature of a substitute that was basically the same as the committee bill, but would withhold land title. pp. H7704-5

11. POSTAL REFORM. Rep. Mize expressed concern over "the rapid evaporation of our favorable balance of trade" and inserted a "U. S. News & World Report" interview with Secretary of Commerce Stans on "Is United States Being Squeezed Out of World Markets?" pp. H7714-6

91st Congress } HOUSE OF REPRESENTATIVES { Report
1st Session } { No. 91-480

FEDERAL SALARY COMPARABILITY ACT OF 1969

September 9, 1969.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Dulski, from the Committee on Post Office and Civil Service, submitted the following

REPORT

together with

SUPPLEMENTAL AND MINORITY VIEWS

[To accompany H.R. 13000]

The Committee on Post Office and Civil Service, to whom was referred the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the matter that appears in the reported bill in italic type.

Purpose

There are two basic purposes to this bill:

1. The setting up of a permanent method of adjusting the pay of Federal employees who are paid under one of the four statutory pay schedules (General Schedule, Postal Field Service Schedules, Foreign Service Schedules, and the schedules relating to physicians, dentists, and nurses in the Department of Medicine and Surgery of the Veterans' Administration).

2. The elimination of the long-standing inequity requiring postal employees to serve 21 years before reaching maximum pay for their work. This legislation will allow the vast majority of postal employees to reach the top pay step in 8 years instead of the present 21 years.

In addition, this legislation makes other changes of lesser importance which concern themselves with compensation of Federal employees under special circumstances.

General Statement

BACKGROUND FOR A PERMANENT PAY SYSTEM

With the passage in December 1967, of the Federal Salary Act of 1967, a precedent was set. For the first time, Federal salaries of employees under the four statutory pay systems were to be adjusted automatically in 1968 and 1969. This meant that Congress would not have to become intimately involved in the annual squabble over the question of raising Federal employees' pay. Instead, Congress reviewed the decisions reached by the Executive and maintained overall control of the process.

The Federal Salary Act of 1967 provided that the President would adjust salaries in 1968 and 1969 so that all Federal employees would have full comparability with private industry pay rates by July 1969.

At the same time, the 1967 act was to be a test. The procedures and mechanisms used would be reveiwed and analyzed by the Congress so that corrections could be made in any future legislation.

The effectiveness of this legislation over the 2-year period would give Congress valuable and needed information as to the necessity for proceeding in this direction. Accordingly, during this period, the concerned departments in the executive branch and the Compensation Subcommittee reviewed this process.

In 1968, the Chairman of the Civil Service Commission testified that—

> There is need for continuing authority to permit * * * adjustments of salaries in the four statutory system [while] at the same time, providing for essential congressional reviews at appropriate intervals.

In 1969, the newly appointed Chairman of the Civil Service Commission said that—

> The ideal role of Congress in Federal salary administration is to set the policy and principles for the executive branch to follow and to establish a proper system for congressional review of the actions taken.

It is clear that there is widespread agreement for some method that will allow for annual review and adjustments of the pay rates for Federal employees. The administration wants it, the Federal employees need it, and this Congress will have an opportunity to pass it.

After 2 years of intensive studies, hearings and consultations with hundreds of organizations, individuals, and representatives from the executive, the committee made the following determinations:

1. The best way to set pay on a permanent basis would be to set up a Federal Employee Salary Commission, composed of executive branch and employee representatives, with the opportunity for arbitration if conflicts developed.

2. It was important that Congress participate in this area, therefore, an arbitration board would have important representation on it by Members of the House and Senate.

Given these two basic conclusions, the committee noted that a key ingredient was the makeup of the Salary Commission and the faith that would reside in the members of the Commission by all those affected.

It is vital that Congress continue its primary role of setting the policy and continuing review of the Salary Commission. The Congress has set the policy in the Salary Acts of 1962, 1967 and in the first section of this legislation. The Salary Commission will make the studies, and draw the salary schedules with rates of pay conforming to the policy guidelines of the Congress. This is the purpose of the Commission—to set the rates of pay so they conform to the policy directives of the Congress. Thus, the role of the Salary Commission is to fulfill the policy outlined by the Congress, which will continue to review and revise, if necessary, such policy.

The Salary Commission is composed of four representatives of the executive branch and four representatives of employee organizations. For purposes of voting, however, the employee groups have three votes. Thus, the executive branch has a voting majority. It is the conviction of the committee that the executive branch should have the necessary votes to implement the personnel policy outlined by the Congress. By following the policy outlined in the law and by implementing a fair and unbiased program for determining the annual pay adjustments, the executive will be able to exercise its judgments through its majority on the Salary Commission.

If, on the other hand, there is capricious and arbitrary behavior on the part of the executive branch in the implementation of this program, there will be recourse through the Board of Arbitration for the aggrieved employees. It is the potential for such problems, based on the last 2 years experience, that called for the creation of the Board of Arbitration.

It was apparent from the testimony presented to the committee during the period 1967–69 that one basic criticism overwhelmed all others. The semiautomatic adjustments that were effected in 1968 and 1969 were based on a survey done by the Bureau of Labor Statistics under the control of the Civil Service Commission and the Bureau of the Budget. All of the employee representatives testifying before the Compensation Subcommittee were unanimous in their criticisms of the premises, structure and interpretation of the Bureau of Labor Statistics Survey.

It was made clear that the criticisms were not directed toward the Bureau of Labor Statistics, but rather to the bias that were built into the survey by the Civil Service Commission and the Bureau of the Budget. The criticisms pointed out that Federal employees were not being paid amounts comparable to their private enterprise counterparts, as was required under the Federal Salary Act of 1967.

The evidence presented by all Federal employee representatives, both in 1968 and 1969 was persuasive and raised such serious questions that the committee believes their criticism may be justified. However, this committee does not have to pass judgment on this matter because such actions are unlikely to happen under the new procedures to be followed by the Federal Employee Salary Commission.

Accordingly, the committee intends that this legislation correct such criticism by placing on the Salary Commission, representatives of the employees along with representatives from the executive branch. In this way, the employees will know exactly how the survey will be structured, what criteria will be applied, and what procedures will be followed.

It is felt that the jurisdiction of the Commission will include overall control of the entire process of deciding the structure of the annual survey of private industry and that the survey will reflect large, unionized, industrial centers which are comparable to the Federal Government as a large employer.

Another concern of the committee is the frequent position of the executive branch that the congressional policy of comparability be implemented only when a budget surplus permits. The Federal employee is always the first to suffer the effects of budget limitations. While it is necessary to prevent unwarranted increases in personnel, it is also felt that adequate compensation is necessary to maintain a high level of competency among the Federal Establishment. Therefore, the committee believes that regular adjustments of Federal salaries should be considered as an automatic cost of Government, similar to the cost of interest on the national debt, and that such adjustments should not be considered as a departmental, line item, adjustment, or as an act of generosity in time of budget balance.

The committee is also concerned that the pay schedules provide the necessary incentives for career development among the Federal employees. Therefore, it believes that the Commission should concern itself with such factors as the following when devising new pay schedules for the Federal employee:

(*a*) A review of the difference between the minimum rates in adjacent grades to ascertain if there is a large enough grade differential for proper incentive.

(*b*) The possibility that a broader range of rates within each grade may be called for. It may be necessary that the difference between the minimum and maximum rate within each grade be increased to provide for greater incentive.

The above recommendations are not inclusive and many others can certainly be considered by the Salary Commission in their deliberations.

Board of Arbitration

If disagreement arises over the decision of the Salary Commission on the adjustments of the rates of pay for Federal employees, the Board of Arbitration will be called upon to act. This Board, composed of four Members of Congress (two each from the House and Senate), one representative each of the executive and the employees, and an impartial chairman selected by the other six, will have the authority to review the operation of the Salary Commission, so as to ascertain the procedures that were followed in reaching the decision under arbitration. The Board will decide whether or not the decision of the Salary Commission is in agreement with the policy directives in the law and if they are found wanting, will make the necessary changes.

In reviewing its decision, the Board may hold hearings, invite any

interested parties to testify, and shall do whatever it can to allow a broad range of opinions to be heard. The committee is especially concerned that the Board of Arbitration allow evidence to be presented by the group(s) bringing the issue to arbitration so as to demonstrate the validity of their position.

Similarly, the Board shall hear from the executive branch concerned that the recommendations be accepted.

It is not necessary that all recommendations of the Salary Commission be brought to arbitration. In any one annual report, there will be four recommendations corresponding to the four statutory pay schedules. Any one or combination of the four may be brought to arbitration by a concerned group.

Acceleration of Step Increases for Postal Workers

One of the myriad problems facing the Post Office Department is the high turn-over rate of its employees. In 1967–68 the separation rate was approximately 45 percent. In a comparable period for all of Government, the separation rate was 23 percent.

The reasons for this turnover are many and varied. Some of the more important include the level of pay and the iniquitous system of advancement which requires a postal employee to remain in the service for over 20 years before he reaches the top for his position.

The pay of the postal employee, while it has increased substantially in the past few years, is still below the national standard.

At the present time, according to the statistics published by the Bureau of Labor Statistics, the best the postal employee can hope for, after 21 years of service, is $1,864 less than the minimum standard for a moderate standard of living. By moderate, the BLS means that the family may own a 2-year-old car and the father in the family may buy a new suit every 4 years. No allowance is made for savings nor for credit charges, even though most families in this category buy on credit.

Even worse, the present midrange of the postal employee schedule at PFS 5, step 4, is but $111 more than the standard set by the Bureau of Labor Statistics for a low standard of living. It is the strong feeling of this committee that these problems need to be overcome and overcome fast.

Therefore, in order to create new incentives in the postal recruitment and retention program; in order to allow the full-fledged postal employee to enjoy the fruits of this labor within a reasonable time period; and to increase the ability of the postal employee to maintain his family at a reasonable standard of living, the committee has recommended the following:

1. The present system of instep promotion that requires 21 years (minimum) for a postal employee to reach the top step in his grade will be reduced to 8 years.

2. As the first step in this process of reducing the amount of time required to become a full-fledged postal employee, all lower grade employees (PFS 1–11) are given a two-step advancement effective October 1, 1969. Higher level employees (PFS–12 and above) will be given earned step advancement on July 1, 1970, as their first step in the acceleration program.

It is important to remember that the problems facing the postal employee in terms of career advancement are limited and unique. In contrast to all other Federal agencies, over 71 percent of the postal employees are locked into one grade level. The distribution clerks and the letter carriers, the backbone of the Post Office Department, must spend their entire careers in PFS–5. Thus, the only meaningful career advancement open to them is through the within-grade step increase program. Thus, it is vital that the postal employee know that he will be able to move up the ladder rapidly and be able to earn enough money to care for his family responsibilities. It is patently unfair to have a man work more than 10 years in one level, with no hope of advancement, and not be making the maximum amount for the same amount of work.

This incentive program is designed to help the postal employee because of his unique situation. It is not a program which creates an unfair advantage over other Federal employees. Most other employees are offered ample opportunity to move into other, more skilled occupations within the Federal service as their skills increase. The recent report by the Civil Service Commission, Grade Trend of Federal Civilian Employment (June 1969), pointed out that the definite trend among Federal employees is on the upgrade. In fact, the report clearly stated that the "principal reductions in new hiring [among General Schedule employees] occurred at the basic entry grades of GS–1, 2, 3, and 5." These are precisely the areas, especially GS–5, where the postal employees are situated. Thus, where the problem is greatest among postal employees, it is decreasing among all others.

It is the intent of this committee that the Federal Employee Salary Commission review this entire area and maintain patterns that are consistent with the policy of comparability between private industry and within the Federal Government for like work.

According to the Post Office Department, the estimated cost of this two-step increase which is effective in October 1969, will be $244 million for fiscal year 1970. While any estimates for the total accelerated program cannot be precise, the Post Office Department estimates that the ultimate cost, after 8 years, would be $780 million.

Miscellaneous Provisions

In addition to the two main provisions of this legislation, the committee has considered and approved three nonrelated items concerning specific problem areas affecting Federal employees.

1. Section 7 would authorize the payment of an allowance, not to exceed $10 per day, to defray the commuting expenses of civilian employees of executive departments and independent establishments assigned to duty at remote worksites. This section is identical to H.R. 12881, which passed the House unanimously during the 90th Congress.

2. Section 8 provides for the payment of an allowance to employees in the Corps of Engineers engaged in floating plant operations on vessels when the employees are prevented from

boarding the vessels under circumstances beyond their control, such as hazardous weather conditions or while the vessel is in a shipyard for repairs. This section is identical to H.R. 7406, which was reported favorably by the committee during the 90th Congress.

3. Section 6 removes an inequity from existing law to permit the payment of premium compensation for certain employees for Sunday, night, holiday and overtime pay. The major groups affected include border patrolmen, deputy U.S. marshals, customs and internal revenue personnel, and members of the Federal Bureau of Investigation. The administration strongly endorses this legislation.

The Compensation Subcommittee also heard testimony concernin the implementation, by the Department of Defense, of Public Law 89–391, amending the Defense Department Overseas Teachers Pay and Personnel Practices Act, now 20 U.S.C. 901–907. It was disclosed that administrative practice in the Department of Defense results in teachers of overseas dependent children being paid on salary schedules which are 1 year out of date at the time of implementation.

Public Law 89–391 (20 U.S.C. 902(a)) provides that teachers employed by the Department of Defense for schools for overseas dependent children are to be paid "at rates equal to the average of the range of rates of basic competence for similar positions of a comparable level of duties and responsibilities in urban school jurisdictions in the United States of 100,000 or more population."

The Department of Defense, however, bases its September salary schedule on rates paid in the comparable districts on the previous December, rather than on the actual rate paid in accordance with salary schedules negotiated by the comparable school districts, usually in the spring, to be effective the following September.

As an example, the salary offered beginning teachers in comparable districts for the school year beginning September 1969 is $6,590. The Department of Defense schedule provides only $6,120. The subcommittee sees no flaw in the basic legislation, but rather in the failure of the Department of Defense to properly implement it.

A further problem results from the failure of the Department of Defense to grant prior service credit to experienced teachers at the time of initial employment. For the comparable school districts the average practice is to give teachers up to 7 years credit for prior service of 7 years or more. In the DOD schools, all teachers, regardless of years of experience, receive credit on the salary schedule for only 2 years of prior service. This practice discriminates against experienced and more mature teachers and contravenes Public Law 89–391, which provides for basic compensation at rates equal to the average of the range of rates of basic compensation for similar positions of a comparable level of duties and responsibilities.

The committee believes the Department of Defense should correct these inequities through administrative action.

Explanation of the Bill by Sections

The first section of the bill provides that the act may be cited as the Federal Salary Comparability Act of 1969.

Section 2 rewrites sections 5301 and 5302 of title 5, United States Code, relating to the congressional policy and the procedure for the pay comparability system for the Federal statutory pay systems.

Section 5301(a) sets forth the policy of the Congress that rates of pay for Federal salaried employees shall continue to be based on the principle that there be equal pay under each pay system for substantially equal work, that pay distinctions be maintained in keeping with work distinctions, and that the rates of pay shall be comparable, on a national basis, with private enterprise rates of pay for the same levels of work.

There are two changes in this congressional policy. The words "on a national basis" are included in order to remove any possible interpretation that these provisions would permit the fixing of rates of pay under this policy on an area wage basis. It is intended that the rates of pay for employees covered by these provisions shall continue to be fixed on a national basis.

The second change is the elimination of the specific requirement that the pay systems "be interrelated." This language was used under the old system as the basis for the linkage between the pay systems—for example, GS–5, is linked to PFS–5. The language was removed in order to give the Commission complete discretion in prescribing the rates of pay under each pay schedule within the policy guidelines of section 5301(a). It may be that the Commission would want to continue some form of linkage, but it should be on a comparability basis.

It is expected that under these provisions there will be comparable pay between and among the various pay systems when related matters affecting pay are similar.

A clerk in the postal system doing the same work as a clerk in the general schedule system should get the same pay. An employee in the general schedule system doing the same work as an employee in the Foreign Service system should get the same pay. The nurse in the Public Health Service under the general schedule doing the same work as a nurse in the Department of Medicine and Surgery in the Veterans' Administration should get the same pay.

However, in determining whether the pay is the same, all elements affecting that pay under the several systems, such as opportunities for advancement, premium pay, and within-step progression, should be considered. This is what the committee believes should be comparability within and between the Federal pay systems.

All Federal employees working under the pay systems covered by this legislation should receive, as nearly as practicable, the identical pay for the identical work.

As indicated above, there are many elements that affect comparability of pay such as opportunity for advancement, premium pay, or within-grade step advancement requirements of the various pay systems. The committee expects the Commission to evaluate and consider all matters that may affect comparability of pay within and

between the systems. If changes in legislation are needed in any particular areas to achieve such comparability, it is expected that the Commission will make such recommendations as authorized by section 5302(c)(5).

Section 5301(b) identifies the pay systems covered by this legislation and requires that the rates of pay for the systems be adjusted annually in accordance with the policy set forth in subsection (a) and the procedures prescribed by section 5302 of title 5, United States Code, as amended by this act.

The employees covered by this legislation are general schedule employees under 5 U.S.C. 5332; postal field service employees under part III of title 39, United States Code; staff officers and employees in the Foreign Service of the United States covered by 22 U.S.C. 867 and 870; and physicians, dentists, and nurses in the department of Medicine and Surgery, Veterans' Administration, covered by 38 U.S.C. 4107.

Subsections (a), (b), (c), and (d) of the new section 5302 establish a Federal Employees Salary Commission, and prescribe the functions for the Commission.

The Commission will be composed of four members representing the executive branch, four members representing employee organizations, and three associate members representing employee organizations other than organizations having members on the Commission. For voting purposes, however, the employee groups have only three votes. Thus, the executive branch, having four members, will have the voting majority to implement the personnel policies outlined for the Commission. The associate members will not have a vote, but shall be entitled to attend all meetings and be heard by the Commission on all matters.

The primary function of the Commission is to prescribe, and revise from time-to-time, the comparability pay survey to be performed annually by the Bureau of Labor Statistics, which will develop the valid comparisons of rates of pay for Federal employees with the rates of pay for the same levels of work of private industry. The Commission is required to use the data disclosed by the comparability pay survey, and prepare annually a comparative statement of the rates of pay for employees covered by this system and the rates of pay for the same levels of work in private industry. The Commission is required to determine and prescribe the exact national rates of pay for the employees as may be necessary to effect the policy set forth in section 5301(a) of title 5, United States Code.

The functions of the Commission referred to above are now performed by the Director of the Bureau of the Budget and the Chairman of the Civil Service Commission as the agents of the President, in accordance with the existing provisions of 5 U.S.C. 5302. This delegation of authority is contained in Executive Order Nos. 11073 and 11173. Hereafter, these functions will be performed by the Commission.

The Commission also is required (sec. 5302(c)(4)) to review annually the comparability of the rates of pay and step increase policies within and between the various pay systems for employees subject to the provisions of this section, taking into consideration

such matters as the differing length of service requirements for step increases, the different number of within-step increases, the fact that there may be different rates of pay under the different pay systems for the same type of work, and the fact that a supervisor under one pay system frequently receives a lower rate of pay than some of the employees whom he supervises.

The Commission also is required (sec. 5302(c)(5)) to prepare and submit annually to the Congress a report setting forth the comparison of the rates of pay; the exact national rates of pay for each of the salary systems governed by this legislation; and such recommendations as they may deem necessary, for changes in legislation, in order to effect full comparability of pay within and between the various pay systems.

The Commission is required to seek and give full recognition to the views of employee organizations in connection with their deliberations and determinations.

Subsection (e) sets forth the procedure permitting a member of the Commission to seek arbitration when he determines that the rates of pay proposed by the Commission applicable to "the appropriate pay system" are not in conformity with the comparability policies set forth in section 5301(a). In the case of members of the Commission representing the executive branch, the appropriate pay system could include any one of the pay systems, but in the case of a member of the Commission representing an employee organization, the appropriate pay system would be only the pay system or systems which apply to members of the organization. When a request for arbitration is made, the Commission is required to submit the proposed rates to the Board of Arbitration not later than February 1 following the date of such determination.

Subsection (f) establishes the Federal Employees Board of Arbitration to consider the rates of pay submitted to it by the Commission when a determination is made under subsection (e) that the proposed rates do not conform with the pay comparability policy.

The Commission is composed of four Members of Congress, two from the Senate and two from the House, one from the executive branch, designated by the Chairman of the Civil Service Commission, one from the employee organizations, and a chairman designated by the other members from the membership of the American Arbitration Association. The voting majority of the Board will rest with the Members of Congress.

The Board will have the sole function of determining whether the proposed rates of pay submitted to it do or do not conform with the comparability policy. If the Board determines that the rates of pay do not so conform, the Board shall advise the Commission of its decision, the reason for the decision, and prescribe such rates of pay as the Board determines are necessary to conform with the comparability policy.

Subsection (g) sets forth the procedure for the Commission to submit the proposed rates of pay to the Congress. The rates proposed by the Commission, if finalized, are to be submitted to the Congress by February 1 each year, starting in 1970, and in those cases where submission is made to the Board, immediately upon receipt of the final and conclusive decision of the Board.

Subsection (h)(1) provides that the rates of pay submitted to the Congress shall become effective at the beginning of the first pay period which begins on or after the first day of the year in which such rates of pay are submitted, but only to the extent that, within 30 days after such rates of pay are submitted, the Congress has not enacted legislation, or neither House of Congress has adopted a resolution specifically disapproving, all or part of such recommendations.

Under subsection (h)(2) the recommendations of the Commission may be made operative on a date earlier than such date after the first of the year in which rates are submitted.

Subsection (h) (3), (4), and (5) permit the granting of retroactive salary increases to correspond to increases initiated by the Commission, effective in January each year, for employees whose rates of pay or salary are normally set by administrative action pursuant to law. These are the usual provisions included in salary legislation without which administrative rates of pay may not be fixed retroactively effective. These provisions do not apply to rates fixed in accordance with prevailing rates or practices, nor do they affect any authority in existing law to fix compensation or salary by administrative action.

Subsections (i) through (l) contain the usual provisions for the administration of a commission or a board, such as are established by this section.

Authority is given for an allowance of travel expenses for each member and each associate member of the Commission and for each member of the Board, including per diem, and for the payment to each member or associate member who is not an employee or a Member of Congress, a daily rate of pay equal to the per diem equivalent to the maximum rate of basic pay of the General Schedule for each day the member or associate member is engaged in the performance of services for the Commission or the Board, except that the member from the American Arbitration Association may be paid the usual fees.

Provisions are made under subsection (j) for the Commission and the Board to appoint the necessary personnel and an executive director at a rate of basic pay provided for level V of the Executive Schedule, and to obtain personnel from other Government agencies on a reimbursable basis. The Administrator of General Services is required under subsection (l) to furnish administrative support.

Subsection (m) provides that any rates of pay which become effective as a result of action by the Commission shall modify, supercede, or render inapplicable prior provisions of law or prior recommendations and adjustments which have the effect of law.

Under subsection (n) the rates of pay which become effective are authorized to be printed in the Statutes at Large, the Federal Register, and the Code of Federal Regulations.

Subsection (o) makes it clear that increases in rates of pay which become effective under these provisions are not an equivalent increase for step increase purposes under either 5 U.S.C. 5335 in the case of General Schedule employees, or 39 U.S.C. 3552 in the case of postal field service employees.

Subsection (p) authorizes the President to prescribe conversion rules for the initial adjustment of rates of pay that may become effective under the provisions of this section.

Subsection (q) authorizes increases to be granted, retroactively effective, in the judicial branch, and by the Secretary of Agriculture, with respect to Agricultural Stabilization and Conservation County Committee employees, by amounts which are equal insofar as practicable to the increases of rates of pay which become effective under the provisions of this section.

Section 3 of the bill makes the necessary technical adjustments in the table of contents of subchapter I of chapter 53 of title 5 of the United States Code to conform with the adjustments made in the heading of section 5302 of title 5 by section 2 of the bill.

Section 4 of the bill rewrites subsection (a) of section 3552 of title 39, United States Code, to reduce the within-grade waiting period for advancement, to steps 2 through 7, of employees subject to the Postal Field Service Schedule or the Rural Carrier Schedule, from 52 calendar weeks to 26 calendar weeks, and the period for such employees in steps 8 and above from 156 calendar weeks to 52 calendar weeks. This section will become effective on July 1, 1970, under section 9 of the bill.

Subsection (a) of section 5 of the bill provides that each employee in levels 1 through 11 of the Postal Field Service Schedule and each employee under the Rural Carrier Schedule shall be advanced the equivalent of two within-level steps. Each employee who is in either of the two top steps of his level shall receive basic compensation at a rate equal to his rate of basic compensation plus the amount of two step increases of his level. This provision becomes effective under section 9 on the first day of the first pay period which begins on or after October 1, 1969.

Subsection (a) also provides that changes in levels or steps which would otherwise occur on the effective date shall be deemed to have occurred prior to the adjustments. It also provides that an employee who receives such an adjustment shall commence a new full waiting period for further step increase purposes under 39 United States Code 3552(a), on the first day of the first pay period which begins after July 1, 1970, and shall not receive credit for any of the intervening period between October 1969, and July 1970, for step increase purposes.

Subsection (b) of section 5 provides a special conversion rule for the initial application to employees in levels 12 or above of the new within-grade waiting periods provided by section 4 of the bill, which becomes effective in July 1970. These employees will be credited for satisfactory service performed since their last step increase prior to the effective date (July 1970) in an amount not in excess of the service required by the new provisions for a one-step increase applicable to the step category of the employee. The credit for service under this section will offset in part the exclusion of these employees from the two-step increase authorized for employees in levels 1 through 11 by section 5 of the bill.

Subsection (c) of section 5 is intended to maintain the junior-senior relationship for employees in levels 12 and above who will not receive the two-step increase under this section. This subsection will require the Postmaster General to advance each employee in level 12 whenever an employee in the same post office who received the two-step

increase is promoted to the same level and is junior with respect to total postal service. The advancement shall be to the highest step which is held by any such junior employee. The usual savings provisions are included so that the senior employee will not lose time for step increase purposes because of the junior-senior advancement requirements of this section.

Section 6 amends section 5545(c)(2) of title 5, United States Code, relating to premium pay for administratively uncontrollable work.

Existing law authorizes the head of an agency to grant additional compensation on an annual basis to employees who perform substantial amounts of irregular, unscheduled overtime duty and duty at night, on Sundays, and on holidays. This authority is applicable only where the nature of the employment is such that the employee is generally responsible for recognizing, without supervision, circumstances that require him to remain on duty. The annual rate of additional pay may not be less than 10 percent, nor more than 25 percent, of that part of the employee's base pay that does not exceed the minimum rate for GS–10. No other premium pay may be granted to these employees except for regularly scheduled overtime duty.

In some occupations where employees are being paid additional annual premium rates under this authority, the operations must be carried on around the clock 7 days a week. This is especially true in the case of border patrolmen, deputy U.S. marshals, and certain Customs and Internal Revenue personnel, where the employees have regularly scheduled tours of duty that include Sunday, night, and holiday work as a part of the basic 40-hour workweek.

Under the present law, they do not receive any form of premium pay for this duty while most other Federal employees are paid a 25-percent differential for regularly scheduled, nonovertime Sunday work (5 U.S.C. 5546(a)); a 10-percent differential for regularly scheduled night duty (5 U.S.C. 5545(a)): and doubletime for work on a holiday (5 U.S.C. 5546(b)). They do receive the same premium compensation as other employees for regularly scheduled overtime duty.

The amendment to section 5545(c)(2) provides that the additional annual pay under this authority will compensate employees only for irregular, unscheduled overtime duty. Consequently, the other applicable premium rates will be paid for regularly scheduled Sunday, night, and overtime duty and for duty on holidays.

Section 7(a) of the bill rewrites section 5942 of title 5, United States Code, to remove the references to specific remote worksites at which a daily commuting allowance will be paid, and to provide general legislation authorizing the payment of a commuting allowance for travel to remote worksites.

The new provisions of section 5942 entitle an employee of an executive department or independent establishment who is assigned to duty, other than an employee on temporary duty, at a remote worksite, to an allowance of not to exceed $10 a day. The allowance is to be paid under regulations prescribed by the President, establishing the rates at which the allowance will be paid, and defining and designating those sites, areas, and groups of positions to which the rates apply. The site must be so remote from the nearest established communities or suitable places of residence as to require an appreciable amount of expense,

hardship, and inconvenience on the part of the employee in commuting to and from his residence and the worksite. The provisions of this section do not apply to Government corporations by reason of the use of the defined terms, "executive department" or "independent establishment," which do not include Government corporations.

Section 5942 specifically provides that the allowance authorized by this section, may be paid notwithstanding the provisions of section 5536 of title 5, United States Code, in order to overcome the requirement of section 5536, for a specific appropriation for the payment of the allowance.

Section 7 (b) of the bill is a savings clause, to permit the continuation of the payment of the allowance authorized by the existing provisions of title 5, United States Code, section 5942 for employees on one of the California offshore islands, or at the U.S. Atomic Energy Commission, Nevada test site, including the Nuclear Rocket Development Station, until regulations by the President are issued under the new provisions enacted by this legislation.

Section 7(c) of the bill makes the necessary technical adjustments in the table of contents of subchapter IV of chapter 59 of title 5, United States Code, to conform with the change in heading of section 5942, as amended by subsection (a) of the first section.

Section 8 of the bill adds a new section 5947 to subchapter IV of chapter 59 of title 5, United States Code.

The new section 5947 rewrites and makes technical conforming changes to include in title 5, United States Code, the basic authority previously contained in Public Law 84–35.

Subsection (a) of the new section 5947 continues the present authority for an employee of the Corps of Engineers, engaged in floating plant operations, to be furnished quarters or subsistence, or both, on vessels without charge when the furnishing of the quarters or subsistence, or both, is determined to be equitable to the employee and necessary in the public interest. The rewriting of this provision is not intended to make any substantive change from the authority under existing law for the Corps of Engineers to furnish such quarters or subsistence "on vessels."

Subsection (b) of the new section 5947 contains additional authority for the Corps of Engineers to furnish an appropriate allowance in place of the quarters or subsistence when adverse weather conditions or similar circumstances prevent the transportation of the employee from the shore to the vessel, or quarters or subsistence or both are not available on the vessel while it is undergoing repairs.

The language "notwithstanding section 5536 of this title," is used in this subsection in order to remove any doubt, that the allowance may be paid regardless of whether there is a specific appropriation for the payment of the additional allowance. The provisions of section 5536, prohibit the payment of any additional allowances to a Federal employee, "unless specifically authorized by law, and the appropriation therefor, specifically states that it is for the additional pay or allowance."

The new subsection (c) continues the existing authority of the Secretary of the Army, to issue regulations relating to the furnishing of quarters or subsistence on such vessels, and extends such authority to issue regulations, to cover the furnishing of the allowance, which may be furnished in place of the quarters or subsistence.

Section 8(b) of the bill makes the necessary technical adjustments in the table of contents of such subchapter IV, to include the reference to the new section 5947.

Section 8(c) of the bill repeals the provisions of Public Law 84–35. Similar provisions are included as a part of the new section 5947, which is added to title 5, United States Code.

Section 9 of the bill provides the appropriate effective dates.

Subsection (a) provides that the first section, prescribing the title of the act, section 9, and sections 2 and 3, relating to the Federal Employees Salary Commission and Board of Arbitration, shall become effective on date of enactment.

Subsection (b) provides an effective date of the first day of the first pay period which begins on or after October 1, 1969, for section 5, relating to a two-step increase for postal employees in levels 1 through 11, and time-in-grade conversion provisions for postal employees in levels 12 and above; for section 6, relating to the premium pay provisions for employees performing irregular and unscheduled duty; for section 7, relating to the allowance for employees at remote worksites; and for section 8, relating to quarters or subsistence allowance for floating plant operations employees.

Subsection (c) provides an effective date of the first pay period which begins on or after July 1, 1970, for section 4, relating to the time-in-step requirements for automatic step increases for postal field service employees.

Costs

It is expected that there will not be any substantial additional costs under sections 1 through 3, which create the Federal Employee Salary Commission and the Federal Employee Salary Board of Arbitration, since the major part of the activities to be performed by these two agencies now are being performed by the Bureau of the Budget and the Civil Service Commission, and such activities will be performed hereafter by the Commission.

The fiscal year 1970 additional cost will be $244 million, and fiscal year 1971 additional cost will be $554 million, for the accelerated step increases for postal field service employees, under section 4 which becomes effective in October 1969, and section 5 which becomes effective in July 1970.

The annual costs of the miscellaneous benefits under sections 6, 7, and 8 will not exceed $100,000.

Agency Reports

There are set forth below the agency reports on this legislation as follows:

1. Letters dated July 23, 1969, on H.R. 12823 (which is similar to the provisions of sections 1 through 5 of the reported bill) from the Bureau of the Budget, the Postmaster General, and the U.S. Civil Service Commission and letter dated July 18, 1969, from the General Accounting Office.
2. Report dated June 16, 1969, from the Bureau of the Budget, and report dated June 17, 1969, from the U.S. Civil Service Commission on H.R. 10052, the provisions of which are included in section 6 of the reported bill.

3. Report dated June 16, 1969, from the Bureau of the Budget, and report dated June 17, 1969, from the U.S. Civil Service Commission on H.R. 524, the provisions of which are similar to the provisions of section 7 of the bill.

4. Report dated June 16, 1969, from the Bureau of the Budget, report dated June 17, 1969, from the U.S. Civil Service Commission, and report dated June 23, 1969, from the Department of the Army on H.R. 2784, the provisions of which are similar to the provisions of section 8 of the bill.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., July 23, 1969.

Hon. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to the committee's request for the views of the Bureau of the Budget on H.R. 12823, a bill to implement the Federal employee pay comparability system; to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes, H.R. 12124, a bill to implement the Federal employees' pay comparability system; to establish a Federal Management-Labor Salary Survey Board, and for other purposes, and H.R. 12538, a bill to provide emergency salary adjustments for certain employees in the postal field service to offset the increase in the cost-of-living index.

H.R. 12823 would restate, in essence, the principles of the Federal Salary Reform Act of 1962. We recognize these principles and have supported their application to pay administration in the Federal Government. However, H.R. 12823 would also establish a Federal Employee Salary Commission to determine statutory salary system pay rates in accordance with the principles, and it would create a Federal Employee Salary Board of Arbitration to review the determinations of the proposed commission. The board would make the final determination of rates should employee unions or their representatives on the commission appeal the commission's findings. The Congress would be given an opportunity to disapprove the findings of the commission and the board.

The bill would require the Bureau of Labor Statistics (BLS) to submit its annual national pay survey report not later than July 31 and the submission of the proposed commission's report to the Congress not later than the following February 1. The new rates would become effective at the beginning of the first pay period which begins on or after the first day of the year in which the commission's report would be submitted. Finally, the bill would accelerate the advance of Postal Field Service employees in their within-grade salary range.

The Civil Service Commission is submitting a report on H.R. 12823, H.R. 12538, and H.R. 12124 in which it indicates why these bills are undesirable. We endorse the comments of the Commission.

In addition to the comments of the Civil Service Commission, we are particularly concerned about H.R. 12823 because the organizations and procedures which the bill would establish would remove the

President from pay determinations. Although the Congress would be given the opportunity for review of the commission's pay determinations and those of the board through procedures similar to those contained in the reorganization statute (chapter 9 of title 5 of the United States Code), the President would not have the role he has under reorganization procedures and would have no authority or responsibility to deal with this vital executive function. We believe this would be highly objectionable and unwise. Moreover, the composition and functions of the proposed commission and board raise serious constitutional questions. Federal salary increases require expenditures of too great a magnitude to be determined other than by legislation or by the President. With more than 2 million employees in the four civilian pay systems affected, and with the pay of 3,500,000 military personnel moving in accordance with the civilian salary adjustment, each 1 percent of a pay increase now carries an annual cost of $433 million.

In addition, the time schedule for BLS survey reports and salary adjustments as provided in the bill would do little or nothing to eliminate time lag in the adjustments. By requiring BLS reports not later than July 31, the BLS would be forced either to a data collection calendar with a reference date of January or to a virtually complete divorce of the national survey from the BLS area wage surveys in order to have a reference date later than January. Such a divorce would require substantial additions to the BLS staff and would gain no more than 2 or 3 months.

Sections 4 and 5 of H.R. 12823 pertain to the salaries of postal field service personnel. Section 4 of the bill would accelerate within-grade progression to three times the current speed. We believe this would be exorbitant, entailing added costs which build up in time to $800 million a year. Moreover, this provision completely disregards the purpose of within-grade salary provisions. Within-grade salary increases are intended to reward (1) improved performance and (2) continued and faithful service. Increases every 6 months have no realistic relation to the degree of improvement in performance; and if the rewards for faithful service are to be exhausted in the short time span provided by the bill, there is no longer a reasonable basis for a within-grade range as great as the 37 percent currently provided. Postal employees now move more rapidly through the within-grade range than do General Schedule employees. There is no reasonable basis for a further speedup.

Section 5 of the bill would provide a two within-grade step increase for postal field service employees. This would have an annual cost of $324 million, and would grossly discriminate in favor of those employees and against other Federal employees. The postal employee pay increase in the July 1969 adjustment was less on the average than that of general schedule employees because (1) the 1967 salary act gave postal employees larger increases in 1967 and 1968 and thus placed them closer to comparability and (2) the populous upper grades of the general schedule were always caused to lag far behind comparability in legislative adjustments between 1962 and 1967. Postal employees were simply brought even with other Federal employees (except for the one grade bonus given postal employees in linkage of PFS–5 with GS–5) by the 1969 adjustment. We believe that they should not receive favored treatment.

This committee is now considering legislation—H.R. 11750—which would, if enacted, create a Government-owned postal corporation charged with responsibility for maintaining comparability of compensation and benefits of postal workers with the non-Federal sectors of the economy. Enactment of that bill, which we strongly recommend, would eliminate the postal field service from the coverage of this and other statutory pay systems, and would enable postal employees to negotiate their pay rates, through collective bargaining with postal management, on an up-to-date comparability basis.

H.R. 12124, like H.R. 12823, would remove the President from Federal pay determinations. In addition, it would lay down statutory requirements relative to intergrade differentials and comparability payline construction and would provide pay increases effective in January 1970 which amount to as much as 17 percent for some grades. We object to H.R. 12124 for the same reasons as those cited above for H.R. 12823. In addition, it would provide for practices which would be contrary to the general schedule position classification plan and which would force misinterpretation of BLS survey data.

H.R. 12538 would provide an increase of 5.4 percent for the first 10 grades of the postal field service, to be effective retroactively to July 1, 1969. We oppose enactment for the reasons cited relative to the pay increase provisions in H.R. 12823.

For the reasons cited, the Bureau of the Budget is strongly opposed to enactment of H.R. 12823, H.R. 12124, and H.R. 12538. We are developing an alternative approach to the setting of Federal pay which we believe would assure equity for all Federal employees with appropriate executive and congressional involvement. We expect to have this ready for consideration soon. Accordingly, we urge the committee delay action until we have an opportunity to present our proposal.

Sincerely,

PHILLIP S. HUGHES,
Deputy Director.

THE POSTMASTER GENERAL,
Washington, D.C., July 23, 1969.

Hon. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I have your letter of July 15, 1969, requesting reports on H.R. 12124, H.R. 12538, and H.R. 12823. All of these bills relate to salaries of postal field service employees and except for H.R. 12538 contain provisions relating to other employees as well.

As you know, I did not have an opportunity to testify on any of these proposals. H.R. 12823 was not introduced until July 14, and I regret that the committee could not see its way clear to accede to my verbal request that committee action on the bill be deferred to enable the Department to give it more meaningful consideration.

The increased costs that would be imposed on the Department under all of these bills are, of course, very substantial. H.R. 12538 would subject the Department to an additional cost of more than $300 million annually. H.R. 12823 would cost the Department $244 million for the current fiscal year, $554 million for fiscal year 1971 and would have an ultimate cost to the Department of $780 million annually, exclusive of any costs involved in future increases of compensation to maintain comparability. H.R. 12124 would increase postal costs by $521.6 million in the current fiscal year and $1,043 million annually thereafter. These increases would be superimposed on a net operating loss already estimated to amount to $1.31 billion in fiscal year 1970, assuming no increase in postage rates and no increase in wages beyond the 4.7 percent increase that became effective this month. Public service costs account for $747 million of this loss, which means that for rate making purposes we are starting from a net deficit position of $563 million.

In the second supplemental appropriations act the Congress has placed an overall ceiling on expenditures of the government during this fiscal year. As an integral part of the executive branch the Post Office Department is required to operate within this limitation, and, like other executive departments, may well be affected by the $3.5 billion cut in Federal spending that the President was compelled to order yesterday. It would not be feasible for the Department to maintain the present level of service within the funds available to it for the balance of the fiscal year and absorb the increase in costs that H.R. 12124, H.R. 12538, or H.R. 12823 would generate.

It is also clear that enactment of any of these three pay bills would disrupt the interrelationship which exists between pay scales of the postal field service employees and the pay scales of other employee groups for whom Congress has established specific classification systems. Thus, in view of the constraints on the postal service as it operates as an executive department I must oppose enactment of the increases in compensation contained in the legislation under consideration.

I must point out, however, that if the Congress enacts the Postal Service Act of 1969, the pay of rank and file postal employees will be set through collective bargaining, which is inherently more flexible than the current pay setting procedures.

Phase III adjustments under Public Law 90–206 did result in bringing postal pay to a level comparable with pay in the private sector, as determined under the guidelines of the statute, subject to a 1-year timelag. I have been concerned with the length of this lag and would support legislation to keep postal pay at comparability with a reduced timelag if such legislation could be accommodated to existing budget limitations.

The Bureau of the Budget has advised that there is no objection to the submission of this report to the committee from the standpoint of the administration's program.

Sincerely,

Winton M. Blount.

U.S. Civil Service Commission,
Washington, D.C., July 23, 1968.

Hon. Thaddeus J. Dulski,
Chairman, Committee on Post Office and Civil Service,
House of Representatives.

Dear Mr. Chairman: This is in response to your request for the Commission's views on H.R. 12823, a bill to implement the Federal employee pay comparability system; to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes. This report also includes a statement of the Commission's position on H.R. 12124, a bill to implement the Federal employees' pay comparability system; to establish a Federal Management-Labor Salary Survey Board, and for other purposes, and H.R. 12538, to provide emergency salary adjustments for certain employees in the postal field service to offset the increase in the cost-of-living index.

H.R. 12823 would establish a new procedure for implementing the Federal employee pay comparability policy. It would establish a Federal Employee Salary Commission which would make the salary comparisons now made by the Director of the Bureau of the Budget and the Chairman of the Civil Service Commission as agents of the President, and determine salary schedules which would be subject to revision by a Federal Employee Salary Board of Arbitration and subject to disapproval in whole or in part by either House of Congress. H.R. 12823 would, in addition, accelerate within-grade increases in the postal field service effective in July 1970 and grant a two-step bonus increase to postal employees effective in October 1969.

The Civil Service Commission is strongly opposed to the enactment of H.R. 12823 for the following reasons:

1. The bill's denial of a role for the President in fixing the salaries of some 2 million civilian employees and some 3.4 million members of the Armed Forces is totally inconsistent with his constitutional position as head of the executive branch.
2. The bill's procedures are undesirably complex.
3. The accelerated within-grade increase provisions for postal employees are unneeded, inequitable, and costly.
4. The two-step bonus proposed for October 1969 is neither needed nor justified.

H.R. 12823 would govern the adjustment of salaries for some 2 million Federal employees. In addition, under the terms of Public Law 90–207 of December 16, 1967, the adjustments would apply also to military personnel. An increase of only 1 percent now costs some $433 million a year. It is unthinkable that the President would be denied a role in this process. It is entirely inconsistent with his constitutional responsibilities. It clearly runs counter to the dictates of good management. The Commission finds this feature of the bill to be quite unacceptable.

The Commission considers the procedures proposed by the bill to be undesirably complex. The bill sets up two new agencies, a Salary Commission and a Board of Arbitration. After the seven-member Commission completes its deliberations it makes its recommendations.

These recommendations can, and we think will, be taken to the seven-member Board for review and possible revision, before they go to Congress where either House may not only disapprove them in their entirety but may, if it chooses, disapprove parts of them.

Contributing to the complexity is the fact that the nature of the procedure is such that it seems inevitable that each salary adjustment proposed by the Salary Commission will be taken to the Board. This will result because it could appear that there would be no advantage in reaching agreement at the Salary Commission level. Therefore each recommended adjustment probably would go to the Board in the hope of a more favorable decision.

One might indeed question whether the procedure, seen from this point of view, will really serve the purpose we all want—the Congress, the unions, and the administration—that is, to reach a meeting of the minds between employee representatives and management through back-and-forth discussion of the issues.

Section 4 of H.R. 12823 would amend section 3552(a) of title 39, United States Code, so as to provide that postal employees will advance to the next higher rate of the rate range after each 6 months of service up to the seventh rate of the rate range and then after a year to the eighth rate and above. Postal employees are now advanced to the next rate after each year of service up to the seventh rate and then after 3 years' service to the eighth rate and above. There are 12 rates.

Section 4 of the bill would provide a much more rapid rate of progression than is afforded to General Schedule employees. They qualify for an increase after 1 year to the next higher rate up to the fourth rate, after 2 years, up to the seventh rate, and, after 3 years, up to the 10th rate. There are only 10 rates. Taking GS–5 and PFS–5 as examples, the first 10 rates are identical. PFS–5 has two additional rates. The postal employee today progresses to the 10th rate after 15 years of service, and the General Schedule employee progresses to the 10th rate after 18 years of service. If H.R. 12823 were enacted, the postal employee would reach the 10th rate after 6 years of service. The Commission knows of no rationale for giving such preferential treatment to postal employees.

It should be understood that the extended rate range—12 rates—provided for postal employees in levels up through PFS–6 is justified on the grounds that many postal employees have little opportunity for promotion and there should be a continuing opportunity for pay increases. The Commission sees no justification for the drastically accelerated increases to the top of a 12-rate range.

It is assumed that the accelerated increase provisions rest on the premise that the salaries for postal workers should progress reasonably quickly to the level which is considered to be appropriate for the jobs in terms of their relationship to private enterprise salaries. It is necessary to review the basis for the postal salaries established by the adjustment recently authorized by the President pursuant to the Federal Salary Act of 1967 to show that no acceleration in within-level advancement is necessary to achieve this. For the 1969 adjustment and for each of the comparisons between Federal and private enterprise salaries made since the Salary Reform Act of 1962, the clerk/carrier

level of the postal schedule has been linked with GS–5. This linkage was based upon the conclusion that although in terms of job evaluation the positions can best be compared with the GS–4 level in the General Schedule, they would be linked with GS–5 because of limited promotional opportunities. This linkage was recognized by your committee in reporting the Federal Salary Act of 1967. Consistently, the fourth rate of the rate range in the general schedule grades has been based upon the payline which represents the industry average for the grade. On the basis of the linkage and on the basis of the BLS survey then, it is the fourth rate of PFS–5 that best reflects the average for the clerk/carrier jobs. It takes only 3 years to progress to that rate.

Because of the limited opportunities for promotion, the median regular employee is in the eighth rate of PFS–5. The fact that most employees are well above the rate that is based on the payline, however, affords no basis for arguing that employees should progress rapidly to that eighth rate. To provide such an accelerated advancement would clearly be giving the employee a double advantage.

Section 5 of H.R. 12823 would provide for a two-step increase for each employee in levels 1 through 11 in October 1969. The Commission finds this increase, which would amount to about 5.4 percent, to be entirely inappropriate.

Postal unions have made many charges regarding the adjustment ordered by the President for July 1969. We answered some of these in our letter of July 11, 1969, in response to your request. Let me repeat here that the Bureau of the Budget and the Commission did not bias the survey. I should like to make two points regarding the July adjustment. It was appropriately made in accordance with the requirements of the Federal Salary Act of 1967 and living-cost changes since July 1968 do not form the basis for any other adjustment.

It was the objective of the Federal Salary Act of 1967 to reach comparability by 1969. The law prescribed that the 1969 adjustment was to be based upon the 1968 BLS survey. The fact that the 1969 increase for postal employees was less than that for general schedule employees is due the the fact that the statute granted postal employees larger increases in 1967 and 1968 than were afforded general schedule employees.

At the clerk/carrier level the increases were 6 percent in 1967 and 5 percent in 1968. For GS–5, the increase was only 4.5 percent in 1967 and 3 percent in 1968.

It should also be remembered that prior to the increases of 1967 and 1968 the clerk/carrier and the GS–5 salary schedules were the same. As was the intent of the law, the 1969 adjustment made them, once again; the same.

The fact that living costs have increased since the 1968 adjustment is not a basis for additional increase for postal employees. The solution is to reduce the timelag as recommended in the Commissions' testimony of June 17, 1969. The timelag affects not only postal employees but the employees of all the salary systems. In addition it affects the pay of military personnel. It is the established policy to fix salaries on the basis of salaries paid in the private sector—not on the basis of living costs. We are very much aware, at the moment, of living cost increases but it is unfair to judge the salary policy by a short term change. Let us

look at what happened in the years from 1957 through 1968. Using the base period of 1957–59 upon which the current consumer price index is based, while there was an increase of 21.2 percent in the CPI there was an increase of 47.6 percent in the average annual salaries for the fourth step of the clerk/carrier position (see attached chart). This shows clearly how postal salaries have over a period of time outstripped living-cost increases.

The Commission is opposed to the enactment of H.R. 12124 because it fails to give the President the powers which are essential for him to carry out his constitutional duties; because it provides by statute rules for constructing a payline; because the specific rules provided are not in accord with the general schedule position classification plan, and would result in a misinterpretation of the private enterprise pay data; and because there is absolutely no basis for the increase provided by the proposed salary schedules.

The Commission is opposed to the enactment of H.R. 12538 for the same reasons that it is opposed to section 5 of H.R. 12823.

For the reasons stated above, the Commission is strongly opposed to the enactment of H.R. 12823, H.R. 12124, and H.R. 12538. Instead the Commission urges that the committee defer action pending the development of a proposal to carry out the objectives outlined by the Bureau of the Budget and the Civil Service Commission in hearings before the Compensation Subcommittee on June 17, 1969. Such a proposal would be designed to provide a sound, simple approach which will give appropriate roles to the President, to the Congress, and to the employee organizations.

The Bureau of the Budget advises that there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

J. E. Johnson,
Acting Chairman.

Comptroller General of the United States,
Washington, D.C., July 18, 1969.

B–167266.

Hon. Thaddeus J. Dulski,
Chairman, Committee on Post Office and Civil Service,
House of Representatives.

Dear Mr. Chairman: We refer to your letter of July 15, 1969, requesting our report upon H.R. 12823, 91st Congress, which, upon enactment, would be cited as the "Federal Salary Comparability Act of 1969."

The manner of fixing and adjusting the pay of the employees to whom the bill applies on a basis comparable with rates paid by private enterprise for the same levels of work is a matter of policy for determination by the Congress. Similarly the additional pay increase for postal service employees, as provided for in the bill, involves a matter of congressional policy. We, therefore, offer no recommendation upon the merits of the bill.

In general the provisions of the bill appear adequate to accomplish the purposes of the bill.

As a technical matter we note that the term "employee" is one which is defined in title 5 (sec. 2105) and does not include elected officials. Also, the term "Member of Congress" is defined in such title (sec. 2106). In view thereof, we suggest changing the language appearing on lines 15 and 16, page 9 of the bill to read as follows: "of this title and each such member who is not an employee or Member of Congress shall be paid at the rate of $100 for each day,".

Sincerely yours,

ROBERT F. KELLER,
(For the Comptroller General of the United States.)

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 16, 1969.

Hon. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to the committee's request for the views of the Bureau of the Budget on H.R. 10052, to amend title 5, United States Code, to correct certain inequities with respect to the premium pay of certain employees performing irregular and unscheduled duty, and for other purposes.

The bill would adjust the pay of certain employees who now receive additional annual premium pay for uncontrollable overtime work but who are denied regular premium pay for nonovertime Sunday duty, for regularly scheduled work at night or for work on a holiday.

The Bureau of the Budget concurs with the amendments which the Civil Service Commission is proposing in its report to your committee on this bill.

There would be no objection to enactment of H.R. 10052 if it is amended as suggested by the Civil Service Commission.

Sincerely yours,

WILFRED H. ROMMEL,
Assistant Director for
Legislative Reference.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., June 17, 1969.

Hon. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service,
House of Representatives.

DEAR MR. CHAIRMAN: This is in further response to your request for a report on H.R. 10052, to amend title 5, United States Code, to correct certain inequities with respect to the premium pay of certain employees performing irregular and unscheduled duty, and for other purposes.

Enactment of this measure will provide more equitable treatment for border patrol inspectors and other employees who are now receiving additional annual premium pay for uncontrollable overtime work. Under present law, these employees may not be given any additional

compensation for regularly scheduled nonovertime Sunday duty, for regularly scheduled work at night or for work on a holiday. They do, however, receive premium compensation for overtime hours that are regularly scheduled.

The Civil Service Commission strongly endorses the purpose of H.R. 10052 and urges that it be given favorable consideration with the amendments suggested in this report.

Section 5545(c)(2) of title 5, United States Code, which would be amended by this bill, authorizes agency heads to grant additional compensation on an annual basis to employees who perform substantial amounts of irregular unscheduled overtime duty and duty at night, on Sundays, and on holidays. This authority is applicable only where the nature of the employment is such that the employee is generally responsible for recognizing, without supervision, circumstances that require him to remain on duty. The annual rate of additional pay may not be less than 10 percent nor more than 25 percent of that part of the employee's base pay that does not exceed the minimum rate for GS–10. No other premium pay may be granted to these employees except for regularly scheduled overtime duty.

In some occupations where the employees are being paid additional annual premium rates under this authority, the operations must be carried on around the clock 7 days a week. This is especially true in border work where the employees have regularly scheduled tours of duty that include Sunday, night, and holiday work as part of the basic 40-hour workweek. Under the present law they do not receive any form of premium pay for this duty while most other Federal employees are paid a 25-percent differential for regularly scheduled nonovertime Sunday work, a 10-percent differential for regularly scheduled night duty, and double time for work on a holiday. They do, however, receive the same premium compensation as other employees for regularly scheduled overtime duty.

To lessen this inequity, H.R. 10052 amends 5 U.S.C. 5545(c)(2) to provide that additional annual pay under this authority will compensate employees only for holiday and irregular unscheduled overtime duty and that otherwise applicable premium rates will be paid for regularly scheduled Sunday, night, and overtime duty.

The Commission supports the amendment in H.R. 10052 but finds no apparent justification for not extending the regular premium pay provisions to cover holidays on which the employees are assigned to work. Accordingly, it is recommended that H.R. 10052 be amended as follows:

On page 1, line 8, strike out "and duty on holidays".

On page 2, line 5, immediately after "Sunday duty", insert ", and for holiday duty".

On page 2, line 11, strike out "holiday and".

Due to the relatively small groups of employees who are being paid additional annual compensation under 5 U.S.C. 5545(c)(2), it may reasonably be assumed the cost of this legislation would not be substantial. The major groups affected will be border patrolmen and deputy United States marshals in the Department of Justice and certain customs and internal revenue personnel in the Treasury Department.

The Bureau of the Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

By direction of the Commission.

Sincerely yours,

ROBERT E. HAMPTON, *Chairman.*

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 16, 1969.

Hon. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to the Committee's request for the views of the Bureau of the Budget on H.R. 524, "To authorize the payment of allowances to defray commuting expenses of civilian employees of executive agencies assigned to duty at remote worksites, and for other purposes."

The purpose of the bill is to authorize a daily allowance of not to exceed $10 for employees assigned to duty at remote worksites.

In commenting on similar bills in the last Congress, the Bureau noted the absence of factual background to support legislation along the lines proposed. The Civil Service Commission is presently conducting a special study to determine what the facts are with respect to employees at remote worksites.

Accordingly, until the study is completed and the facts evaluated, we cannot recommend enactment of the legislation.

Sincerely yours,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., June 17, 1969.

Hon. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service,
House of Representatives.

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Civil Service Commission on H.R. 524, to authorize the payment of allowances to defray commuting expenses of civilian employees of executive agencies assigned to duty at remote worksites, and for other purposes.

This bill, if enacted, will provide authority to pay an allowance not to exceed $10 per day to defray the commuting expenses of employees of executive agencies assigned to duty at remote worksites. Present regulations will be in effect until new regulations can be issued.

The Civil Service Commission supported legislation to provide a special travel allowance for employees assigned to the California offshore islands and the Nevada Test Site. It also suggested that a special travel allowance would be appropriate for those employees assigned to Fort Irwin, Calif. The basic question is whether the Congress should continue to deal with these situations one at a time, or whether general legislation, such as proposed in H.R. 524, should be enacted allowing the executive branch to pay such allowances whenever justified.

The Bureau of the Budget is primarily responsible for all travel matters but the Commission has an interest in the personnel management aspects of travel problems. Recruitment and retention of competent employees is naturally made more difficult by unfavorable circumstances such as the need to travel unusually long distances to and from the job. The Commission is currently cooperating with the Bureau in conducting a special study on this subject. When this study is completed we will be in a position to advise you further regarding the need for the general legislation proposed. Therefore the Commission believes it would be premature to recommend that favorable action be taken on H.R. 524 at this time.

The Bureau of the Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

By direction of the Commission.

Sincerely yours,

ROBERT E. HAMPTON, *Chairman.*

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 16, 1969.

HON. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to the committee's request for the views of the Bureau of the Budget on H.R. 2784, "To amend title 5, United States Code, to authorize the payment of an appropriate allowance, in lieu of quarters and subsistence, to employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations."

The Bureau of the Budget concurs in the amendment which the Department of the Army is proposing in its report to your committee on this bill.

Accordingly, there would be no objection to enactment of H.R. 2784, amended as suggested by the Department of the Army.

Sincerely yours,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

U.S. Civil Service Commission,
Washington, D.C., June 17, 1969.

Hon. Thaddeus J. Dulski,
Chairman, Committee on Post Office and Civil Service,
House of Representatives.

Dear Mr. Chairman: This is in further reply to your request for the views of the Civil Service Commission on H.R. 2784, a bill "To amend title 5, United States Code, to authorize the payment of an appropriate allowance, in lieu of quarters and subsistence, to employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations."

This bill would authorize the payment of an allowance to employees of the Army Corps of Engineers engaged in floating plant operations in instances, when the Corps is unable to furnish subsistence or quarters or when employees are unable to board because of bad weather. It further provides that allowances granted be given in accordance with regulations prescribed by the Secretary of the Army.

At the present time, these employees are entitled to subsistence and quarters on vessels without charge whenever messing and quartering are considered equitable and necessary in the public interest.

Situations do arise, however, when the corps determines that it would be uneconomical to maintain stewards' facilities, or when repair work or bad weather will not permit living on board. In these instances employees must provide food and lodging at their own expense.

The Commission feels that this situation is neither equitable nor proper. When Government employees travel for the convenience of the Government they are allowed per diem allowances. The Commission feels these employees of the Corps of Engineers are in a similar situation when they are displaced from their living quarters afloat and should receive the same benefits.

We understand that the Department of the Army is submitting a report recommending an amendment clarifying the situation in which an allowance would be paid. The Commission supports H.R. 2784, if amended as suggested in the Department of the Army report.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

By direction of the Commission.

Sincerely yours,

Robert E. Hampton, *Chairman.*

Department of the Army,
Washington, D.C., June 23, 1969.

Hon. Thaddeus J. Dulski,
Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.

Dear Mr. Chairman: Reference is made to your request to the Secretary of Defense, for the views of the Department of Defense, for the views of the Department of Defense on H.R. 2784, 91st Congress, a bill to amend title 5, United States Code, to authorize the payment of an appropriate allowance, in lieu of quarters and subsis-

tence, to employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations. The Department of the Army has been assigned responsibility for expressing the views of the Department of Defense on this bill.

This bill provides that quarters, or subsistence, or both, may be furnished without charge to employees of the Corps of Engineers who are engaged in floating plant operations. Similar authority is presently contained in the act of May 13, 1955, ch. 38, (69 Stat. 48). In addition, the bill provides authority for the furnishing of an appropriate allowance, when circumstances beyond the control of the Corps of Engineers or the employee prevent the furnishing of quarters, or subsistence, or both.

In certain circumstances, Corps employees have been unable to obtain the benefits provided by the existing law. This occurs, for example when a dredge is undergoing periodic or emergency overhaul, or when employees reporting for duty at the beginning of their tour of duty at a specified point on shore for transportation to the dredge cannot be transported because of adverse weather conditions. In such a case, the employees must provide subsistence and quarters at their own expense, as no authority exists to pay them an allowance in lieu of subsistence and quarters.

In order to clarify the circumstances under which an allowance would be payable, it is recommended that section 5947b as set out in the bill be revised as follows:

"(b) Notwithstanding section 5536 of this title, an employee of the Corps of Engineers, Department of the Army, engaged in floating plant operations who would be entitled to quarters or subsistence, or both, under subsection (a) of this section if on a vessel may be paid an allowance for quarters or subsistence, or both, if—

"(1) adverse weather conditions or similar circumstances beyond the control of the employee and the Corps of Engineers prevent transportation of the employee from shore to the vessel; or

"(2) quarters or subsistence, or both, are not available on the vessel because it is undergoing repairs.

However, an allowance for quarters or subsistence may not be paid under this subsection if section 5702 of this title is applicable, or if quarters and subsistence are not authorized under subsection (a) of this section."

Under the above wording, it would be clear that allowances would be payable only if (*a*) adverse weather conditions or similar circumstances beyond the control of the employee and the Corps of Engineers prevented transportation to the floating plant where the quarters and subsistence would otherwise have been available, (*b*) the unavailability of quarters and subsistence is due to repairs (as opposed to regular seasonal layup) of the floating plant, (c) the employee is not receiving travel per diem in lieu of subsistence and quarters under section 5702 of title 5, and (*d*) the employee is entitled to receive quarters or subsistence, or both, under regulations issued pursuant to subsection (a) of this section.

With the suggested amendments, the Department of the Army, on behalf of the Department of Defense, recommends that the bill be favorably considered.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

If this bill is enacted, it is estimated that the annual cost to the Department of Defense will be $65,000.

The Bureau of the Budget advises that, from the standpoint of the administrations program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

STANLEY R. RESOR,
Secretary of the Army.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 5, UNITED STATES CODE

* * * * * * *

Chapter 53.—PAY RATES AND SYSTEMS

SUBCHAPTER I.—PAY COMPARABILITY SYSTEM

Sec.
5301. Policy.
[5302. Annual reports on pay comparab ility.] *5302. Federal Employee Salary Commission; Federal Employee Salary Boar d of Arbitration.*
5303. Higher minimum rates; Presidential authority.
5304. Presidential policies and regulations.

* * * * * * *

SUBCHAPTER I.—PAY COMPARABILITY SYSTEM

[§ 5301. Policy.

[It is the policy of Congress that Federal pay fixing be based on the principles that—

[(1) there be equal pay for substantially equal work, and pay distinctions be maintained in keeping with work and performance distinctions; and

[(2) Federal pay rates be comparable with private enterpirse pay rates for the same levels of work.

Pay levels for the several Federal statutory pay systems shall be interrelated, and pay levels shall be set and adjusted in accordance with these principles.]

§ 5301. *Policy*

(a) It is the policy of Congress that rates of pay for employees within the purview of this section be based on the principles that—

(1) there be equal pay under each pay system for substantially equal work;

(2) pay distinctions be maintained in keeping with work distinctions; and

(3) rates of pay be comparable on a national basis, with private enterprise rates of pay for the same levels of work.

(b) Rates of pay shall be adjusted annually, in accordance with the policy set forth in subsection (a) of this section and the procedures prescribed by section 5302 of this title, for those employees subject to—

(1) section 5332 of this title, relating to employees under the General Schedule;

(2) part III of title 39, relating to employees in the postal field service;

(3) sections 867 and 870 of title 22, relating to officers, staff officers, and employees in the Foreign Service of the United States; and

(4) section 4107 of title 38, relating to physicians, dentists, and nurses in the Department of Medicine and Surgery, Veterans' Administration.

[§ 5302. Annual reports on pay comparability.

[In order to carry out the policy stated by section 5301 of this title the President shall—

[(1) direct such agency as he considers appropriate, to prepare and submit to him annually a report which compares the rates of pay fixed by statute for employees with the rates of pay paid for the same levels of work in private enterprise as determined on the basis of appropriate annual surveys conducted by the Bureau of Labor Statistics; and

[(2) after seeking the views of such employee organizations as he considers appropriate and in such manner as he may provide, report annually to Congress—

[(A) this comparison of Federal and private enterprise pay rates; and

[(B) such recommendations for revision of statutory pay schedules, pay structures, and pay policy, as he considers advisable.]

§5302. Federal Employee Salary Commission; Federal Employee Salary Board of Arbitration

(a) There is established, as a permanent agency of the Government, a Federal Employee Salary Commission, referred to as the "Commission".

(b) The Commission shall be composed of 8 members and 3 associate members, as follows:

(1) the Chairman of the Civil Service Commission or, in his absence, his designee, who shall be Chairman;

(2) 1 designated by the Director of the Bureau of the Budget;

(3) 1 designated by the Secretary of Defense;

(4) 1 designated by the Postmaster Geneal;

(5) 1 designated by the organization of employees having the largest number of members in the General Schedule;

(6) 2, one designated by each of the 2 employee organizations having the largest number of members in the postal field service;

(7) 1 designated by an employee organization, other than an organization designating a member pursuant to paragraph (5) or (6) of this subsection, selected each year by the Chairman of the Civil Service Commission on a rotating basis after consultation with representatives of such employee organizations as the Chairman determines appropriate; and

(8) 3 associate members, one each designated by employee organizations, other than organizations designating members pursuant to paragraph (5), (6), or (7) of this subsection, selected each year by the Chairman of the Civil Service Commission on a rotating basis after consultation with representatives of such employee organizations as the Chairman determines appropriate.

A member of the Commission has—

(A) 1 vote, if designated under paragraph (2), (3), (4), (5), or (7) of this subsection;

(B) one-half vote, if designated under paragraph (6) of this subsection; or

(C) 1 vote to be cast only to break a tie vote of the Commission, if serving under paragraph (1) of this subsection.

Each associate member of the Commission is entitled to attend all meetings of, consult with, and be heard by, the Commission, on all matters, but does not have a vote.

(c) The Commission shall, in accordance with the policy set forth in section 5301(a) of this title, after consultation with representatives of such agencies and employee organizations as it determines appropriate—

(1) prescribe, and revise from time to time as it deems appropriate a comparability pay survey—

(A) which will develop valid comparisons of (i) the rates of pay for employees within the purview of section 5301(b) of this title and (ii) the rates of pay for the same levels of work in private industry; and

(B) which shall be conducted annually by the Bureau of Labor Statistics in the Department of Labor;

(2) prepare annually a comparative statement of the rates of pay for such employees and the rates of pay for the same levels of work in private industry as disclosed by the comparability pay survey;

(3) determine and prescribe, on the basis of information and data disclosed by the annual comparability pay survey, the exact national rates of pay for such employees which are necessary to effect the policy set forth in section 5301(a) of this title;

(4) review, annually, the comparability of the rates of pay and step increase policies within and between the various pay systems for such employees, taking into consideration such matters as the Commission determines have affected or may affect such comparability, including, but not limited to—

(A) within-grade rates of pay employees are receiving due to differing length of service requirements for step increases, step increases without regard to length of service, or different number of within-grade steps;

(B) different rates of pay under the various pay systems for the same level of work;

(C) pay distinctions not being maintained in keeping with work distinctions, the degree of responsibility placed, the scope and variety of tasks involved, or the extent of decision making authority required; and

(D) premium pay policies; and

(5) except as provided in subsection (e) and subsection (g) of this section, prepare and submit annually to the Congress a report setting forth—

(A) the comparison of rates of pay prepared pursuant to paragraph (2) of this subsection;

(B) the exact national rates of pay for such employees prescribed by the Commission in accordance with paragraph (3) of this subsection; and

(C) recommendations for legislation as may be necessary to achieve the comparability policy set forth in section 5301(a) of this title or to achieve comparability within and between pay systems for employees within the purview of section 5301(b) of this title.

(d)(1) In the exercise of the authority and the performance of the duties vested in and imposed upon the Commission by this section, the Commission—

(A) shall seek the views, in such manner as the Commission may provide, of such employee organizations as the Commission considers appropriate; and

(B) give thorough consideration to those views.

(2) All decisions of the Commission shall be by a majority vote. The votes shall be recorded. A record shall be maintaincd of the views, assenting or dissenting, of the membcrs of the Commission. The record of votes and views shall be available for public inspection and copying pursuant to section 552 of this title.

(e) If a member of the Commission determines, and advises the Commission, that the rates of pay applicable to the appropriate pay system, as the rates are prcscribed by the Commission, are not in conformity with the policy set forth in section 5301(a) of this title, the Commission shall submit, not later than February 1 following that determination, the rates of pay to the Board established by subsection (f) of this section for consideration by the Board.

(f)(1) There is established, as a permanent agency of the Government, a Federal Employee Salary Board of Arbitration, referred to as the "Board", which shall be composed of 7 members as follows:

(A) 2 Members of the United States Senate designated by the President pro tempore of the Senate, each from a different political party;

(B) 2 Members of the United States House of Representatives designated by the Speaker of the House, each from a different political party;

(C) 1 designated by the Chairman of the Civil Service Commission;

(D) 1, who may serve not more than 2 consecutive years, designated by a majority vote of the presidents of the four employee organizations which have designated members currently serving on the Commission under paragraph (5), (6), or (7) of subsection (b) of this section with each president of the employee organization under paragraph (5) or (7) having one vote and each president of the organizations under paragraph (6) having one-half vote; and

(E) 1 designated by a majority of the membcrs of the Board referred to in paragraphs (A) to (D), inclusive, of this subsection from the membership of the American Arbitration Association, who shall bc Chairman of the Board.

(2) The Board shall consider the rates of pay submitted to it by the Commission pursuant to subsection (e) of this section and determine whether or not the rates of pay conform with the policy set forth in section 5301(a) of this title. If the Board determines that the rates of pay do not so conform, the Board shall prepare the rates of pay as will conform with that policy. The Board shall transmit to the Commission not later than the 30th day following the date the Board received the rates of pay submitted to it by the Commission, a report setting forth—

(A) the decision of the Board with respect to the rates of pay submitted by the Commission;

(B) the reasons for the decision of the Board; and

(C) such rates of pay as the Board shall have determined to be necessary to conform with the policy set forth in section 5301(a) of this title.

The decision of the Board, and such rates of pay as it may prepare in accordance with this paragraph, shall be final and conclusive.

(g)(1) Except as provided in paragraph (2) of this subsection, the Commission shall submit to the Congress the first report pursuant to paragraph (5) of subsection (c) of this section, based on the 1969 national survey of professional, administrative, technical, and clerical pay, not later than February 1, 1970, and subsequent reports pursuant to such paragraph (5) not later than February 1 of each year thereafter.

(2) In the case of the submission of rates of pay by the Commission to the Board pursuant to subsection (e) of this section, the Commission, immediately upon receipt of the final and conclusive decision of the Board, shall submit to the Congress the decision of the Board and such rates of pay as the Board shall have determined to be necessary to conform with the policy set forth in section 5301(a) of this title.

(h)(1) Except as provided in paragraph (2) of this subsection, all or part (as the case may be) of the rates of pay submitted to the Congress as provided in subsection (c)(5) or subsection (g) of this section become effective at the beginning of the first pay period that begins on or after the first day of the year in which the rates of pay are submitted; but only to the extent that, within 30 days after the rates of pay are submitted to the Congress—

(A) there has not been enacted into a law a statute establishing rates of pay other than those proposed by all or part of such recommendations,

(B) neither House of Congress has passed a resolution specifically disapproving all or part of the recommendations, or

(C) both.

(2) Any part of the recommendations, in accordance with express provisions of the recommendations, may be made operative on a date earlier than the date on which the recommendations otherwise are to take effect.

(3) (A) The rates of pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28 shall be increased, effective on the first day of the first pay period which begins on or after the first day of the year in which increase becomes effective pursuant to this section, by amounts equal, as nearly as may be practicable, to the increases provided pursuant to this section for corresponding rates of pay.

(B) Notwithstanding section 665 of title 31, the rates of pay of employees of an Executive agency and of the government of the District of Columbia whose rates of pay are fixed by administrative action pursuant

to law and are not otherwise increased pursuant to this section are hereby authorized to be increased, effective on the first day of the first pay period which begins on or after the first day of the year in which increases become effective pursuant to this section, by amounts not to exceed the increases provided pursuant to this section for corresponding rates of pay in the appropriate schedule or scale of pay.

(C) This section does not authorize any increase in the rates of pay of employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

(D) This section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(4) Retroactive pay shall be paid by reason of this section only in the case of an individual in the service of the United States (including service in the armed forces) or the government of the District of Columbia on the day immediately following the close of the 30-day period specified in subsection (h)(1) of this section, except that such retroactive pay shall be paid—

(A) to an employee who retired, during the period beginning on the first day of the first pay period which began on or after January 1, and ending on the day immediately following the close of the 30-day period specified in subsection (h)(1) of this section, for services rendered during that period, and

(B) in accordance with subchapter VIII of chapter 55 of this title, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after January 1, and ending on the day immediately following the close of the 30-day period specified in subsection (h)(1) of this section, by an employee who died during that period.

Such retroactive pay shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of this title, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased employee.

(5) For the purposes of paragraph (4) of this section, service in the armed forces, in the case of an individual relieved from training and service in the armed forces or discharged from hospitalization following such training and service, includes the period provided by law for the mandatory restoration of the individual to a position in or under the Government of the United States or the government of the District of Columbia.

(i) Each member and each associate member of the Commission and each member of the Board is entitled to travel expenses, including a per diem allowance in accordance with section 5703(b) of this title. Each such member or associate member who is not a Member of Congress or an employee is entitled to pay at a rate equal to the per diem equivalent of the maximum rate of basic pay of the General Schedule for each day he is engaged in the performance of services for the Commission or the Board, as the case may be, except that the member from the American Arbitration Association may be paid the usual fees prescribed by that Association.

(j)(1) Without regard to the provisions of this title governing appointments in the competitive service and of chapter 51 of this title and subchapter III of this chapter, relating to classification and General Schedule pay rates—

(A) the Commission and the Board each may appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of this title; and

(B) with the approval of the Commission or the Board, as appropriate, the Executive Director may appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule) of such additional personnel as may be necessary to carry out the functions of the Commission or of the Board, as applicable, and may obtain services of experts or consultants in accordance with section 3109 of this title, but at rates for individuals not to exceed that of GS-18.

(2) Upon the request of the Commission or of the Board, the head of any department, agency, or establishment of any branch of the Government of the United States may detail, on a reimbursable basis, any of the personnel of such department, agency, or establishment to assist the Commission or the Board, as appropriate, in carrying out its functions.

(k) The Commission and the Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(l) The Administrator of the General Services shall provide administrative support services for the Commission and the Board on a reimbursable basis.

(m) The rates of pay that take effect under this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

(1) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of such rates (other than any provision of law enacted in the 30-day period specified in paragraph (1) of subsection (h) of this section with respect to such rates); and

(2) any prior recommendations or adjustments which took effect under this section or prior provisions of law.

(n) The rates of pay that take effect under this section shall be printed in—

(1) The statutes at large in the same volume as public laws;

(2) the Federal Register; and

(3) the Code of Federal Regulations.

(o) Any increase in rates of pay that takes effect under this section is not an equivalent increase in pay within the meaning of section 5335 of this title or section 3552 of title 39.

(p) Any rate of pay that takes effect under this section shall be initially adjusted, effective on the effective date of such rate of pay, under conversion rules prescribed by the President or by such agency as the President may designate.

(q) The rates of pay of personnel subject to sections 210 and 213 (except subsections (d) and (e)) of the Federal Salary Act of 1967 (81 Stat. 633, 635; Public Law 90-206), and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period which begins on or after the first day of the year in which increases become effective pursuant to this section, by amounts which are equal, insofar as practicable and with such exceptions as may be necessary to provide for appropriate relationships between positions, to the amounts of the adjustments made pursuant to this section, by the following authorities—

(1) the Director of the Administrative Office of the United States Courts, with respect to the judicial branch of the Government; and

(2) the Secretary of Agriculture, with respect to individuals employed by the county committees established under section 590h(b) of title 16.

Such adjustments shall be made in such manner as the appropriate authority concerned deems advisable and shall have the force and effect of statute.

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Chapter 55.—PAY ADMINISTRATION

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SUBCHAPTER V.—PREMIUM PAY

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§ 5545. Night, Sunday, standby, irregular, and hazardous duty differential.

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(c) The head of an agency, with the approval of the Civil Service Commission, may provide that—

(1) an employee in a position requiring him regularly to remain at, or within the confines of, his station during longer than ordinary periods of duty, a substantial part of which consists of remaining in a standby status rather than performing work, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for irregular, unscheduled overtime duty in excess of his regularly scheduled weekly tour. Premium pay under this paragraph is determined as an appropriate percentage, not in excess of 25 percent, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS–10 (or, for a position described in section 5542(a)(3) of this title, of the basic pay of the position), by taking into consideration the number of hours of actual work required in the position, the number of hours required in a standby status at or within the confines of the station, the extent to which the duties of the position are made more onerous by night, Sunday, or holiday work, or by being extended over periods of more than 40 hours a week, and other relevant factors; or

[(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty and duty at night, on Sundays, and on holidays with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 percent nor more than 25 percent, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS–10, by taking into consideration the frequency and duration of night, holiday, Sunday, and unscheduled overtime duty required in the position.]

(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 per centum nor more than 25 per centum, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS–10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position.

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Chapter 59.—ALLOWANCES

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SUBCHAPTER IV.—MISCELLANEOUS ALLOWANCES

5941. Allowances based on living costs and conditions of environment; employees stationed outside continental United States or in Alaska.
[5942. Allowance based on duty on California offshore islands or at Nevada Test Site.]
5942. Allowance based on duty at remote worksites.
5943. Foreign currency appreciation allowances.
5944. Illness and burial expenses; native employees in foreign countries.
5945. Notary public commission expenses.
5946. Membership fees; expenses of attendance at meetings; limitations.
5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations.

* * * * * * *

[§ 5942. Allowance based on duty on California offshore islands or at Nevada Test Site.

[Notwithstanding section 5536 of this title, an employee who is assigned to duty, except temporary duty, on one of the California offshore islands or at the United States Atomic Energy Commission Nevada Test Site, including the Nuclear Rocket Development Station, is entitled, in addition to pay otherwise due him, to an allowance of not to exceed $10 a day. However, the allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and defining the areas and groups of positions to which the rates apply.]

§ 5942. Allowance based on duty at remote worksites

Notwithstanding section 5536 of this title, an employee of an Executive department or independent establishment who is assigned to duty, except temporary duty, at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable amount of expense, hardship, and inconvenience on the part of the employee in commuting to and from his residence and such worksite is entitled, in addition to pay otherwise due him, to an allowance of not to exceed $10 a day. The allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and defining and designating those sites, areas, and groups of positions to which the rates apply.

* * * * * * *

§ 5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations

(a) An employee of the Corps of Engineers, Department of the Army, engaged in floating plant operations may be furnished quarters or subsistence, or both, on vessels, without charge, when the furnishing of the quarters or subsistence, or both, is determined to be equitable to the employee concerned, and necessary in the public interest, in connection with such operations.

(b) Notwithstanding section 5536 of this title, an employee entitled to the benefits of subsection (a) of this section while on a vessel, may be paid, in place of these benefits, an allowance for quarters or subsistence, or both, when—

(1) adverse weather conditions or similar circumstances beyond the control of the employee or the Corps of Engineers prevent transportation of the employee from shore to the vessel or

(2) quarters or subsistence, or both, are not available on the vessel while it is undergoing repairs.

(c) The quarters or subsistence, or both, or allowance in place thereof, may be furnished or paid only under regulations prescribed by the Secretary of the Army.

SECTION 3552(a) OF TITLE 39, UNITED STATES CODE

§ 3552. Automatic advancement by step increases.

[(a)(1) Each employee subject to the Postal Field Service Schedule, each employee subject to the Rural Carrier Schedule, and each employee subject to the Fourth Class Office Schedule who has not reached the highest step for his position shall be advanced successively to the next higher step as follows:

[(A) to steps 2, 3, 4, 5, 6, and 7—at the beginning of the first pay period following the completion of fifty-two calendar weeks of satisfactory service; and

[(B) to step 8 and above—at the beginning of the first pay period following the completion of one hundred and fifty-six calendar weeks of satisfactory service.

[(2) The receipt of an equivalent increase during any of the waiting periods specified in this subsection shall cause a new full waiting period to commence for further step increases.]

(a)(1) Each employee subject to the Postal Field Service Schedule and each employee subject to the Rural Carrier Schedule who has not reached the highest step for his position shall be advanced successively to the next higher step as follows:

(A) to steps 2, 3, 4, 5, 6, and 7—at the beginning of the first pay period following the completion of 26 calendar weeks of satisfactory service; and

(B) to steps 8 and above—at the beginning of the first pay period following the completion of 52 calendar weeks of satisfactory service.

(2) The receipt of an equivalent increase during any of the waiting periods specified in this subsection shall cause a new full waiting period to commence for further step increases.

(3) *An employee subject to the Postal Field Service Schedule who returns to a position he formerly occupied at a lower level may, at his request, have his waiting periods adjusted, at the time of his return to the lower level, as if his service had been continuous in the lower level.*

ACT OF MAY 13, 1955

(69 Stat. 48; Public Law 35, 84th Cong.)

[AN ACT

[To authorize the furnishing of subsistence and quarters without charge to employees of the Corps of Engineers engaged on floating plant operations

[*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of section 3 of the Act of March 5, 1928, employees of the Corps of Engineers, Department of the Army, engaged on floating plant operations may be furnished subsistence and/or quarters on vessels without charge whenever messing and/or quartering are determined to be equitable to the employees and to be necessary in the public interest in connection with such operations. Any such subsistence and quarters shall be furnished in accordance with standards prescribed by the Secretary of the Army.]

SEPARATE VIEWS OF CONGRESSMAN WILLIAM L. SCOTT ON H.R. 13000

The concept of a permanently established Federal Employee Salary Commission appears sound and this is one of the reasons I voted in favor of bringing H.R. 13000 before the House for consideration.

However, it seems to me that the Salary Commission should be an advisory agent for the President and the Congress, which should gather and study facts concerning comparability between Federal employees and their counterparts in private industry, and that its recommendations should not become effective until legislation is passed by the Congress. In the event the bill is amended to provide that the Commission be advisory, there would be no need for an arbitration board, which would only delay or obscure whatever action is needed to be taken by the Chief Executive and the Congress.

The bill, as written, bypasses the President, who I believe should retain his responsibility and authority to recommend salary adjustments for Federal employees, which affect the overall budgetary requirements of the Government. Moreover, the Congress with its obligation to appropriate funds and act upon the overall budget, should not abandon, for all practical purposes, its control over the salaries for Federal employees, which have considerable effect on the budget.

While this measure relates only to civilian employees, there will also be an effect on military salaries as the civilian salaries are adjusted.

In addition, I cannot see how the Congress can recommend pay increases, as provided in the bill, for postal employees without giving the same treatment to the classified employees. While I would not deny that postal employees should receive fair pay and benefits, I do feel that it should not be at the expense of other Federal employees, who serve with equal dedication.

WILLIAM L. SCOTT,
Member of Congress.

MINORITY VIEWS ON H.R. 13000

By any objective standard, H.R. 13000 defies fiscal integrity and administrative commonsense. Certainly, it does not do justice to the high caliber of legislative production of our distinguished committee.

Our recommendation that the bill be rejected is made in behalf of the classified and postal employees against whom it discriminates and the American taxpayer.

We oppose the enactment of this bill for the following reasons:

(1) It destroys the authority and responsibility of the President in Federal employees' pay determinations. Under this bill, the Chief Executive would be powerless to deal with this vital executive function.

(2) It places the Congress in a subordinate and almost meaningless role in governing the tremendous expenditures required for Federal salary adjustments.

(3) *The provisions of the bill relating to congressional disapproval of salary increases are a sad rehash of the same scheme under which the salaries of Members of Congress can be increased without any opportunity for a congressional vote.* The bill provides for the submission of proposed salary adjustments to the Congress on February 1 of each year, and then gives either House 30 days in which to adopt a resolution or disapproval. In the opening days of a new Congress, the House committee having jurisdiction of such a resolution would probably not be organized within this time period and, therefore, could not even consider a resolution—as we all learned when the recommendations of the Commission on Executive, Legislative, and Judicial Salaries were submitted to the 91st Congress. And presuming that the committees are disposed to consider a resolution of disapproval, a handful of 14 Members of the House or seven Members of the Senate may prevent their respective bodies from voting for or against the recommendations of the Salary Commission.

(4) It is discriminatory against classified employees, Foreign Service employees, and physicians, dentists, and nurses in the Department of Medicine and Surgery of the Veterans' Administration. The bill excludes these employees from the October two-step pay increase granted employees in the first 11 levels of the postal field service. It also excludes them from accelerated advancement provisions which apply only to postal workers.

(5) The function of the Federal Employees Salary Commission provided in the bill is negated by the creation of a Board of Arbitration which may overrule the action of the Commmission by appeals to it from *any* member of the Salary Commission. There is little question that the language of the bill encourages the procedure of automatically appealing every recommendation simply for the purpose of forcing further negotiations.

(6) The bill discriminates against postal supervisors who occupy positions above level 11 of the postal field service and, by inducing compression in the postal pay schedule, creates a chain of inequities for all employees. What, for example, will happen to postal employees whose new rates will exceed the maximum step (step 12)—and there are 35,000 such employees in PFS–5 alone? Will not the indefinite presence of employees in excess rates build up demand for equal treatment by employees advancing at an accelerated rate to step 12? Does this mean we will, in the end, have 14 steps in the PFS schedule?

(7) Proponents of the bill fail to recognize the tremendous inflationary effect this legislation will have on our economy.

The only identifiable costs are those attached to the accelerated step increase and the two-step October increase for postal employees, as shown in the following table:

ESTIMATE OF COST EFFECT ON H.R. 13000

[In millions]

	PFY 1970	PFY 1971	Cost per annum when fully implemented
Accelerated step increase:			
PFS (all)		$194.8	$400.9
Rural carriers		10.7	21.3
Postmasters, 4th class		1.5	2.9
Total		207.0	425.1
2-step increase:			
PFS (1–11)	$240.0	329.6	339.2
Rural carriers	12.7	16.9	16.9
Postmasters, 4th class	1.5	2.0	2.0
Total	254.2	348.5	358.1
PFS–12 and above-credit not to exceed 1 step		4.2	4.3
Recap:			
PFS (all)	240.0	528.6	744.4
Rural carriers	12.7	27.6	38.2
Postmasters, 4th class	1.5	3.5	4.9
Total	254.2	559.7	787.5

None of the fiscal year 1970 costs are budgeted. In addition to these costs, the bill calls for untold amounts in the form of January 1970 pay increases for some 2 million Federal employees in the four statutory pay systems. Added to this, under the terms of Public Law 90–207, the adjustments would apply also to military personnel. A salary increase of 1 percent now costs $433 million annually. Therefore, even a 5-percent increase in January 1970 would cost over $2 billion. The legislation makes no attempt to provide the revenues for these expenditures. If the majority members were consistent, they would have included the recommendations of the Johnson administration for postal rate increases to cover the costs attributable to the new benefits for postal employees. The total effect is inflationary, and the proponents of this measure would better serve the interests of Federal employees by stemming inflation rather than feeding it.

(8) The irregular committee procedure under which this legislation comes to the floor of the House has prevented full consideration

of the measure. The bill was propelled through the committee in less than 1 hour after having failed to receive adequate consideration by either the Subcommittee on Compensation or the full Committee on Post Office and Civil Service. In fact, the full committee earlier had returned the bill to the subcommittee for the purpose of gathering additional information, however, these instructions were ignored.

(9) The bill authorizes windfall pay increases retroactive to the 1st of January of each year beginning in 1970 regardless of when such increases are finally approved. This will require annual supplemental appropriations of several hundred million dollars which will adversely affect the budget of any President.

The simple fact is that H.R. 13000 denies the President his constitutional right to administer the affairs of the executive branch by removing from his jurisdiction any control over setting the pay of Federal employees. The final recommendations of the Federal Employee Commission or the Board of Arbitration become effective without the President's recommendation and without regard to the scale of national priorities established through his annual budget.

We do not subscribe at all to the proposition, advanced by the chairman of the Subcommittee on Compensation, that pay increases for Federal employees should be as "automatic as the payment of interest on the national debt." To suggest this analogy shows an unfortunate disregard for the role of the President, who is the head of the Federal Establishment and is responsible for managing the national debt and curbing inflation.

The membership of the Federal Employee Salary Commission under H.R. 13000, and the rights of its members bely its avowed purpose for existence. Where are its public members? Who brings impartiality to its deliberations? The Chairman of the Civil Service Commission, as Chairman of the Salary Commission, would, in normal circumstances be expected to play an impartial role and, if necessary, to cast the deciding vote in tie situations. However, he is not given the opportunity to play this role because there is nothing definitive about the actions of the Commission. Any member can challenge the decisions of the Commission, by alleging nonconformity with pay-setting policy. How does this freedom of action square with the role of the Commission as a factfinding body? In truth, it will not be allowed to find any facts that an employee organization member concludes are not agreeable to his membership. If he believes, and there is good reason to assume so, that he would get a better break from the Federal Employee Salary Board of Arbitration, there would be every inducement to appeal to the Board.

During the recent hearings on proposals to reform the Postal Establishment, members of our committee suggested that setting pay by congressional action subjects them to severe pressures and counterpressures not conducive to development of a rational pay structure. Since the four congressional members will dominate the Federal Employee Salary Board of Arbitration, these pressures will be concentrated on them. History has shown that their decisions will be made on the basis of political pressures and not on the basis of factual findings. Insofar as Federal pay is concerned, does this guarantee impartiality? We think not.

We are unable to see what purpose is to be served by selection of a member of the American Arbitration Association as Chairman, except to give an unwarranted appearance of impartiality to the Board, which in fact will be dominated by the congressional members. It is rather curious to see the American Arbitration Association embraced in this instance by several members who criticized its employment under the Postmaster General's new advisory system for selecting postmasters. And finally, the sad thing about the decision of this Board is that it is binding on the Commission, binding on the President, and, in fact, binding on the Congress and the American taxpayers.

Enactment of this bill will make it possible for postal employees to reach "top pay" in 8 years. The argument for this kind of acceleration is that it takes too long—21 years—for employees in PFS–6 and below to reach the maximum step in their level. The salary ranges for postal employees have varied between short and long spans over the years. Prior to 1945, there were five annual steps for clerks and carriers who thus reached "top pay" in 4 years. The Congress expanded the range to 11 annual steps, and gave three additional steps for "faithful and meritorious" service, later converted to longevity steps after 13, 18, and 25 years of postal service. Then it was argued that it took too long to reach "top pay" and the range was cut successively to nine annual steps, and then to seven annual steps, with three longevity increases.

In 1962, we heard the argument again that there were few promotional opportunities for clerks and carriers and that it was unfair for them to exhaust the opportunity to earn additional steps after 6 years in grade. The Congress agreed and extended the pay range to 12 steps over a 21-year span, thus embracing the longevity steps, increasing their value, and, in effect, adding two more.

Now the proponents of H.R. 13000 say that it takes too long to reach "top pay," so it is proposed to reduce the time to reach "top pay" to 8 years. In spite of the position the proponents of the bill take on this issue, there is no comparable treatment in the legislation for classified employees. Surely reason demands that, in legislation as broad as this, the interest of *all* Federal employees be fairly considered.

By far the worst provision of the bill relates to congressional action on recommendations of the Federal Employee Salary Commission. This section provides that failure of the Congress to act within 30 days will secure approval of Federal employee pay increases automatically each year beginning in 1970. We cannot emphasize too strongly that our colleagues examine the mechanics of this system. It does no more than pay lipservice to any substantive congressional action. Our experience with the Commission on Executive, Legislative, and Judicial Salaries tells us that the voice of the Congress in Federal employee pay adjustments will be reduced to a peep.

We believe that if Congress proposed to enact permanent law on this subject, we should remove any doubt as to whether the legislative branch can vote affirmatively with respect to pay increases for Federal employees. To do otherwise, as provided under language of H.R. 13000, merely leaves us in a position of having to take the blame for any action of the Salary Commission without an opportunity to vote affirmatively with respect to its recommendations.

The action of the majority in approving H.R. 13000 is an attempt to place a mantle of respectability around a strictly political effort. If there were a Democrat administration the majority would never try to ram this bill through Congress. This is an act of fiscal irresponsibility and an attempt to embarrass the present administration.

H.R. 13000 is so defective and so poorly conceived that any attempt to correct its provisions by rewriting the bill on the floor of the House would be useless. Therefore, we recommend simply that the measure be defeated.

H. R. Gross,
Member of Congress.
Edward J. Derwinski,
Member of Congress.

○

Union Calendar No. 191

91ST CONGRESS
1ST SESSION

H. R. 13000

[Report No. 91–480]

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 1969

Mr. UDALL (for himself, Mr. CORBETT, Mr. OLSEN, Mr. DANIELS of New Jersey, Mr. NIX, Mr. CHARLES H. WILSON, Mr. WALDIE, Mr. WILLIAM D. FORD, Mr. HAMILTON, Mr. BRASCO, Mr. TIERNAN, Mr. PURCELL, Mr. CUNNINGHAM, Mr. JOHNSON of Pennsylvania, Mr. BUTTON, Mr. MESKILL, Mr. LUKENS, and Mr. HOGAN) introduced the following bill; which was referred to the Committee on Post Office and Civil Service

SEPTEMBER 9, 1969

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, ~~That this Act may be cited as the "Federal Salary Comparability Act of 1969".~~

SEC. 2. Sections 5301 and 5302 of title 5, United States Code, are amended to read as follows:

"§ 5301. Policy

"(a) It is the policy of Congress that rates of pay for employees within the purview of this section be based on the principles that—

"(1) there be equal pay under each pay system for substantially equal work;

"(2) pay distinctions be maintained in keeping with work distinctions; and

"(3) rates of pay be comparable, on a national basis, with private enterprise rates of pay for the same levels of work.

"(b) Rates of pay shall be adjusted annually, in accordance with the policy set forth in subsection (a) of this section and the procedures prescribed by section 5302 of this title, for those employees subject to the provisions of—

"(1) section 5332 of this title, relating to employees under the General Schedule;

"(2) part III of title 39, relating to employees in the postal field service;

"(3) sections 867 and 870 of title 22, relating to officers, staff officers, and employees in the Foreign Service of the United States; and

"(4) section 4107 of title 38, relating to physicians,

dentists, and nurses in the Department of Medicine and Surgery, Veterans' Administration.

"§ 5302. **Federal Employee Salary Commission; Federal Employee Salary Board of Arbitration**

"(a) There is established, as a permanent agency of the Government, a Federal Employee Salary Commission, referred to as the 'Commission'.

"(b) The Commission shall be composed of 8 members and 3 associate members, as follows:

"(1) the Chairman of the Civil Service Commission or, in his absence, someone designated by him, who shall be Chairman;

"(2) 1 designated by the Director of the Bureau of the Budget;

"(3) 1 designated by the Secretary of Defense;

"(4) 1 designated by the Postmaster General;

"(5) 1 designated by the organization of employees having the largest number of members in the General Schedule;

"(6) 2, one designated by each of the 2 employee organizations having the largest number of members in the postal field service;

"(7) 1 designated by an employee organization, other than an organization designating a member pur-

suant to paragraph (5) or (6) of this subsection, selected each year by the Chairman of the Civil Service Commission on a rotating basis after consultation with representatives of such employee organizations as the Commission determines appropriate; and

"(8) 3 associate members, one each designated by employee organizations, other than organizations designating members pursuant to paragraph (5), (6), or (7) of this subsection, selected each year by the Chairman of the Civil Service Commission on a rotating basis after consultation with representatives of such employee organizations as the Commission determines appropriate.

A member of the Commission has—

"(A) 1 vote, if designated under paragraph (2), (3), (4), (5), or (7) of this subsection;

"(B) one-half vote, if designated under paragraph (6) of this subsection; or

"(C) 1 vote to be cast only to break a tie vote of the Commission, if serving under paragraph (1) of this subsection.

Associate members of the Commission shall be entitled to attend all meetings of, consult with, and be heard by, the Commission, on all matters, but shall not have a vote.

"(c) The Commission shall, in accordance with the policy set forth in section 5301(a) of this title, after con-

sultation with representatives of such agencies and employee organizations as it determines appropriate—

"(1) prescribe, and revise from time to time as it deems appropriate, a comparability pay survey—

"(A) which will develop valid comparisons of (i) the rates of pay for employees within the purview of section 5301(b) of this title and (ii) the rates of pay for the same levels of work in private industry;

"(B) which shall be conducted annually by the Bureau of Labor Statistics in the Department of Labor; and

"(C) the results of which shall be reported by the Bureau of Labor Statistics to the Commission not later than July 31 of each year beginning with the year 1970;

"(2) prepare annually a comparative statement of the rates of pay for such employees and the rates of pay for the same levels of work in private industry as disclosed by such comparability pay survey;

"(3) determine and prescribe, on the basis of information and data disclosed by such annual comparability pay survey, the exact national rates of pay for such employees which are necessary to effect the policy set forth in section 5301(a) of this title; and

"(4) except as provided in subsection (c) and subsection (g) of this section, prepare and submit annually to the Congress a report setting forth—

"(A) the comparison of rates of pay prepared pursuant to paragraph (2) of this subsection; and

"(B) the exact national rates of pay for such employees prescribed by the Commission in accordance with paragraph (3) of this subsection.

"(d)(1) In the exercise of the authority and the performance of the duties vested in and imposed upon the Commission by this section, the Commission—

"(A) shall seek the views, in such manner as the Commission may provide, of such employee organizations as the Commissioner considers appropriate; and

"(B) give thorough consideration to those views.

"(2) All decisions of the Commission shall be by a majority vote. The votes shall be recorded. A record shall be maintained of the views, assenting or dissenting, of the members of the Commission. Such record of votes and views shall be available for public inspection and copying pursuant to the provisions of section 552 of this title.

"(e) If—

"(1) a member of the Commission designated pursuant to paragraph (5) or paragraph (6) of subsection (b) of this section, with respect to a pay system referred

to in paragraph (1) or paragraph (2) of section 5301 (b) of this title;

"(2) a member of the Commission designated pursuant to paragraph (7) of subsection (b) of this section, with respect to a pay system referred to in section 5301 (b) of this title; or

"(3) the presidents of employee organizations representing not less than 50 per centum of the members of employee organizations subject to a pay system referred to in paragraph (3) or paragraph (4) of such section 5301 (b), with respect to a pay system referred to in such paragraph (3) or paragraph (4);

determine, and advise the Commission, that rates of pay applicable to the appropriate pay system, as such rates are prescribed by the Commission, are not in conformity with the policy set forth in section 5301 (a) of this title, the Commission shall submit, not later than February 1 following such determination, such rates of pay to the Board established by subsection (f) of this section for consideration by the Board.

"(f) (1) There is established, as a permanent agency of the Government, a Federal Employee Salary Board of Arbitration, referred to as the 'Board', which shall be composed of 7 members as follows:

"(A) 2 Members of the United States Senate desig-

nated by the President pro tempore of the Senate, each from a different political party;

"(B) 2 Members of the United States House of Representatives designated by the Speaker of the House, each from a different political party;

"(C) 1 designated by the Chairman of the Civil Service Commission;

"(D) 1, who may serve not more than 2 consecutive years, designated by a majority vote of the presidents of the four employee organizations which have designated members currently serving on the commission under paragraph (5), (6), or (7) of subsection (b) of this section with each president of the employee organization under paragraph (5) or (7) having one vote and each president of the organizations under paragraph (6) having one-half vote; and

"(E) 1 designated by a majority of the members of the Board referred to in paragraphs (A) to (D), inclusive, of this subsection from the membership of the American Arbitration Association, who shall be Chairman of the Board.

"(2) The Board shall consider the rates of pay submitted to it by the Commission pursuant to subsection (c) of this section and determine whether or not such rate of pay conform with the policy set forth in section 5301(a)

of this title. If the Board determines that such rates of pay do not so conform, the Board shall prepare such rates of pay as will conform with such policy. The Board shall transmit to the Commission not later than the 30th day following the date the Board received the rates of pay submitted to it by the Commission, a report setting forth—

"(A) the decision of the Board with respect to the rates of pay submitted by the Commission;

"(B) the reasons for the decision of the Board; and

"(C) such rates of pay as the Board shall have determined to be necessary to conform with the policy set forth in such section 5301(a).

The decision of the Board, and such rates of pay as it may prepare in accordance with this paragraph, shall be final and conclusive.

"(g)(1) Except as provided in paragraph (2) of this subsection, the Commission shall submit to the Congress the first report pursuant to paragraph (4) of subsection (c) of this section, based on the 1969 national survey of professional, administrative, technical, and clerical pay, not later than February 1, 1970, and subsequent reports pursuant to such paragraph (4) not later than February 1 of each year thereafter.

"(2) In the case of the submission of rates of pay by the Commission to the Board pursuant to subsection (c) of this section, the Commission, immediately upon receipt of the final and conclusive decision of the Board, shall submit to the Congress the decision of the Board and such rates of pay as the Board shall have determined to be necessary to conform with the policy set forth in section 5301(a) of this title.

"(h)(1) Except as provided in paragraph (2) of this subsection, all or part (as the case may be) of the rates of pay submitted to the Congress as provided in subsection (c)(4) or subsection (g) of this section shall become effective at the beginning of the first pay period which begins on or after the first day of the year in which such rates of pay are submitted; but only to the extent that, within 30 days after such rates of pay are submitted to the Congress—

"(A) there has not been enacted into a law a statute which establishes rates of pay other than those proposed by all or part of such recommendations,

"(B) neither House of Congress has adopted a resolution which specifically disapproved all or part of such recommendations, or

"(C) both.

"(2) Any part of the recommendations may, in accordance with express provisions of such recommendations,

be made operative on a date earlier than the date on which such recommendations otherwise are to take effect.

"(3)(A) The rates of pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28 shall be increased, effective on the first day of the first pay period which begins on or after the first day of the year in which increases are granted pursuant to this section, by amounts equal, as nearly as may be practicable, to the increases provided pursuant to this section for corresponding rates of pay.

"(B) Notwithstanding section 3679 of the revised statutes, as amended (31 U.S.C. 665), the rates of pay of officers and employees of the Federal Government and of the government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased pursuant to this section are hereby authorized to be increased, effective on the first day of the first pay period which begins on or after the first day of the year in which increases are granted pursuant to this section, by amounts not to exceed the increases provided pursuant to this section for corresponding rates of pay in the appropriate schedule or scale of pay.

"(C) Nothing contained in this section shall be held or considered to authorize any increase in the rates of pay of officers and employees whose rates of pay are fixed and

adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(D) Nothing contained in this section shall affect the authority contained in any law pursuant to which rates of pay may be fixed by administrative action.

"(4) Retroactive pay, compensation, or salary shall be paid by reason of this section only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the government of the District of Columbia on the day immediately following the close of the 30-day period specified in subsection (h)(1) of this section, except that such retroactive pay, compensation, or salary shall be paid—

"(A) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after January 1, and ending on the day immediately following the close of the 30-day period specified in subsection (h)(1) of this section, for services rendered during such period, and

"(B) in accordance with subchapter VIII of chapter 55 of this title, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after January 1, and ending on the day immediately follow-

ing the close of the 30-day period specified in subsection (h)(1) of this section, by an officer or employee who died during such period.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of this title, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

"(5) For the purposes of paragraph (4) of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the government of the District of Columbia.

"(i) Each member and each associate member of the Commission and each member of the Board shall be allowed travel expenses, including a per diem allowance in accordance with section 5703(b) of this title. Each such member or associate member who is not an employee or a Member of Congress shall be paid at a rate equal to the per diem equivalent of the maximum rate of basic pay of the General Schedule for each day he is engaged in the performance of services for the Commission or the Board, as the case may

be, except that the member from the American Arbitration Association may be paid the usual fees.

"(j)(1) Without regard to the provisions of this title governing appointments in the competitive service and of chapter 51 and subchapter III of chapter 53 of this title, relating to classification and General Schedule pay rates, and on a temporary basis—

"(A) the Commission and the Board each is authorized to appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of this title; and

"(B) with the approval of the Commission or the Board, as appropriate, the Executive Director may appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule) of such additional personnel as may be necessary to carry out the functions of the Commission or of the Board, as applicable.

"(2) Upon the request of the Commission or of the Board, the head of any department, agency, or establishment of any branch of the Federal Government is authorized to detail, on a reimbursable basis, any of the personnel of such department, agency, or establishment to assist the Commission or the Board, as appropriate, in carrying out its functions.

"(k) The Commission and the Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

"(l) The Administrator of the General Services shall provide administrative support services for the Commission and the Board on a reimbursable basis.

"(m) The rates of pay which become effective pursuant to this section shall be held and considered to modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

"(A) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of such rates (other than any provision of law enacted in the 30-day period specified in paragraph (1) of subsection (h) of this section with respect to such rates); and

"(B) any prior recommendations of the President which took effect under prior provisions of law.

"(n) The rates of pay which become effective pursuant to this section shall be printed in the statutes at large in the same volume as public laws and shall be printed in the Federal Register and included in the Code of Federal Regulations.

"(o) Any increase in rates of pay which becomes effec-

tive pursuant to this section is not an equivalent increase in pay within the meaning of section 5335 of this title or section 3552 of title 39.

"(p) Any rate of pay which becomes effective pursuant to this section shall be initially adjusted, effective on the effective date of such rate of pay, under conversion rules prescribed by the President or by such agency as the President may designate.

"(q) The rates of pay of personnel subject to sections 210 and 213 (except subsections (d) and (e)) of the Federal Salary Act of 1967 (81 Stat. 633, 635; Public Law 90-206), and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, by amounts which are equal, insofar as practicable and with such exceptions as may be necessary to provide for appropriate relationships between positions, to the amounts of the adjustments made pursuant to this section, by the following authorities—

(1) the Director of the Administrative Office of the United States Courts, with respect to the judicial branch of the Government; and

(2) the Secretary of Agriculture, with respect to persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

Such adjustments shall be made in such manner as the appropriate authority concerned deems advisable and shall have the force and effect of statute. Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.".

SEC. 3. The table of contents of subchapter I of chapter 53 of title 5, United States Code, is amended by striking out—

"5302. Annual reports on pay comparability."

and inserting in lieu thereof—

"5302. Federal Employee Salary Commission; Federal Employee Salary Board of Arbitration.".

SEC. 4. Section 3552(a) of title 39, United States Code, is amended to read as follows:

"(a)(1) Each employee subject to the Postal Field Service Schedule and each employee subject to the Rural Carrier Schedule who has not reached the highest step for his position shall be advanced successively to the next higher step as follows:

"(A) to steps 2, 3, 4, 5, 6, and 7—at the beginning of the first pay period following the completion of 26 calendar weeks of satisfactory service; and

"(B) to steps 8 and above—at the beginning of the first pay period following the completion of 52 calendar weeks of satisfactory service.

"(2) The receipt of an equivalent increase during any of the waiting periods specified in this subsection shall cause a new full waiting period to commence for further step increases.

"(3) An employee subject to the Postal Field Service Schedule who returns to a position he formerly occupied at a lower level may, at his request, have his waiting periods adjusted, at the time of his return to the lower level, as if his service had been continuous in the lower level.".

SEC. 5. (a) Each employee in levels 1 through 11 of the Postal Field Service Schedule and each employee subject to the Rural Carrier Schedule—

(1) who is in a step below the 2 top steps of his level shall be advanced 2 steps; or

(2) who is in either of the 2 top steps of his level shall receive basic compensation at a rate equal to his rate of basic compensation in effect immediately prior to the effective date of this subsection plus the amount of 2 step increases of his level.

Changes in levels or steps which would otherwise occur on the effective date of this subsection without regard to the enactment of this subsection shall be deemed to have occurred prior to adjustments under this subsection. Each such employee who receives an adjustment under this subsection shall commence a new full waiting period, for further step

increase purposes under section 3552(a) of title 39, United States Code, on the first day of the first pay period which begins on or after July 1, 1970, and service by such an employee on or after the effective date of this section and prior to the beginning of such pay period in July, 1970, shall not be credited for such step increase purposes.

(b) For the purposes of the initial application of section 3552(a) of title 39, United States Code, as amended by section 4 of this Act, credit for satisfactory service performed by an employee in levels 12 or above of the Postal Field Service Schedule since his last step increase prior to the effective date of section 4 of this Act, shall be granted in an amount not in excess of the amount of service required for a one step increase applicable to the step category of the employee.

SEC. 6. Section 5545(c)(2) of title 5, United States Code, is amended to read as follows:

"(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of

premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 per centum nor more than 25 per centum, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS–10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position.".

SEC. 7. (a) Section 5942 of title 5, United States Code, is amended to read as follows:

"§ 5942. **Allowance based on duty at remote worksites**

"Notwithstanding section 5536 of this title, an employee of an Executive agency who is assigned to duty, except temporary duty, at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable amount of expense, hardship, and inconvenience on the part of the employee in commuting to and from his residence and such worksite is entitled, in addition to pay otherwise due him, to an allowance of not to exceed $10 a day. The allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and defining and designat-

ing those sites, areas, and groups of positions to which the rates apply.".

(b) Notwithstanding section 5536 of title 5, United States Code, and the amendment made by subsection (a) of this section, and until the effective date of regulations prescribed by the President under such amendment—

(1) allowances may be paid to employees under section 5942 of title 5, United States Code, and the regulations prescribed by the President under such section, as in effect immediately prior to the effective date of this section; and

(2) such regulations may be amended or revoked in accordance with such section 5942 as in effect immediately prior to the effective date of this section.

(c) The table of contents of subchapter IV of chapter 59 of title 5, United States Code, is amended by striking out—

"5942. Allowance based on duty on California offshore islands or at Nevada Test Site."

and inserting in lieu thereof—

"5942. Allowance based on duty at remote worksites.".

SEC. 8. (a) Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations

"(a) An employee of the Corps of Engineers, Department of the Army, engaged in floating plant operations may be furnished quarters or subsistence, or both, on vessels, without charge, when the furnishing of the quarters or subsistence, or both, is determined to be equitable to the employee concerned, and necessary in the public interest, in connection with such operations.

"(b) Notwithstanding section 5536 of this title, an employee entitled to the benefits of subsection (a) of this section while on a vessel, may be paid, in place of these benefits, an allowance for quarters or subsistence, or both, when—

"(1) adverse weather conditions or similar circumstances beyond the control of the employee or the Corps of Engineers prevent transportation of the employee from shore to the vessel; or

"(2) quarters or subsistence, or both, are not available on the vessel while it is undergoing repairs.

"(c) The quarters or subsistence, or both, or allowance in place thereof, may be furnished or paid only under regulations prescribed by the Secretary of the Army.".

~~(b) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by adding—~~

~~"5917. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations."~~

~~immediately below—~~

~~"5946. Membership fees; expenses of attendance at meetings; limitations.".~~

~~(c) The Act entitled "An Act to authorize the furnishing of subsistence and quarters without charge to employees of the Corps of Engineers engaged on floating plant operations", approved May 13, 1955 (69 Stat. 48; Public Law 35, Eighty-fourth Congress) is repealed.~~

~~SEC. 9. (a) This section, the first section, and sections 2 and 3 of this Act shall become effective on the date of enactment of this Act.~~

~~(b) Sections 5, 6, 7, and 8 of this Act shall become effective on the first day of the first pay period which begins on or after October 1, 1969.~~

~~(c) Section 4 of this Act shall become effective on the first day of the first pay period which begins on or after July 1, 1970.~~

That this Act may be cited as the "Federal Salary Comparability Act of 1969".

SEC. 2. Sections 5301 and 5302 of title 5, United States Code, are amended to read as follows:

"§ *5301. Policy*

"(a) It is the policy of Congress that rates of pay for employees within the purview of this section be based on the principles that—

"(1) there be equal pay under each pay system for substantially equal work;

"(2) pay distinctions be maintained in keeping with work distinctions; and

"(3) rates of pay be comparable, on a national basis, with private enterprise rates of pay for the same levels of work.

"(b) Rates of pay shall be adjusted annually, in accordance with the policy set forth in subsection (a) of this section and the procedures prescribed by section 5302 of this title, for those employees subject to—

"(1) section 5332 of this title, relating to employees under the General Schedule;

"(2) part III of title 39, relating to employees in the postal field service;

"(3) sections 867 and 870 of title 22, relating to officers, staff officers, and employees in the Foreign Service of the United States; and

"(4) section 4107 of title 38, relating to physicians, dentists, and nurses in the Department of Medicine and Surgery, Veterans' Administration.

"§ *5302. Federal Employee Salary Commission; Federal Employee Salary Board of Arbitration*

"(a) There is established, as a permanent agency of the Government, a Federal Employee Salary Commission, referred to as the 'Commission'.

"(b) The Commission shall be composed of 8 members and 3 associate members, as follows:

"(1) the Chairman of the Civil Service Commission or, in his absence, his designee, who shall be Chairman;

"(2) 1 designated by the Director of the Bureau of the Budget;

"(3) 1 designated by the Secretary of Defense;

"(4) 1 designated by the Postmaster General;

"(5) 1 designated by the organization of employees having the largest number of members in the General Schedule;

"(6) 2, one designated by each of the 2 employee organizations having the largest number of members in the postal field service;

"(7) 1 designated by an employee organization, other than an organization designating a member pursuant to paragraph (5) or (6) of this subsection, selected each year by the Chairman of the Civil Service

Commission on a rotating basis after consultation with representatives of such employee organizations as the Chairman determines appropriate; and

"(8) 3 associate members, one each designated by employee organizations, other than organizations designating members pursuant to paragraph (5), (6), or (7) of this subsection, selected each year by the Chairman of the Civil Service Commission on a rotating basis after consultation with representatives of such employee organizations as the Chairman determines appropriate.

A member of the Commission has—

"(A) 1 vote, if designated under paragraph (2), (3), (4), (5), or (7) of this subsection;

"(B) one-half vote, if designated under paragraph (6) of this subsection; or

"(C) 1 vote to be cast only to break a tie vote of the Commission, if serving under paragraph (1) of this subsection.

Each associate member of the Commission is entitled to attend all meetings of, consult with, and be heard by, the Commission, on all matters, but does not have a vote.

"(c) The Commission shall, in accordance with the policy set forth in section 5301(a) of this title, after consultation with representatives of such agencies and employee organizations as it determines appropriate—

"(1) prescribe, and revise from time to time as it deems appropriate, a comparability pay survey—

"(A) which will develop valid comparisons of (i) the rates of pay for employees within the purview of section 5301(b) of this title and (ii) the rates of pay for the same levels of work in private industry; and

"(B) which shall be conducted annually by the Bureau of Labor Statistics in the Department of Labor;

"(2) prepare annually a comparative statement of the rates of pay for such employees and the rates of pay for the same levels of work in private industry as disclosed by the comparability pay survey;

"(3) determine and prescribe, on the basis of information and data disclosed by the annual comparability pay survey, the exact national rates of pay for such employees which are necessary to effect the policy set forth in section 5301(a) of this title;

"(4) review, annually, the comparability of the rates of pay and step increase policies within and between the various pay systems for such employees, taking into consideration such matters as the Commission determines have affected or may affect the comparability, including, but not limited to—

"(A) within-grade rates of pay employees are receiving due to differing length of service requirements for step increases, step increases without regard to length of service, or different number of within-grade steps;

"(B) different rates of pay under the various pay systems for the same level of work;

"(C) pay distinctions not being maintained in keeping with work distinctions, the degree of responsibility placed, the scope and variety of tasks involved, or the extent of decisionmaking authority required; and

"(D) premium pay policies; and

"(5) except as provided in subsection (e) and subsection (g) of this section, prepare and submit annually to the Congress a report setting forth—

"(A) the comparison of rates of pay prepared pursuant to paragraph (2) of this subsection;

"(B) the exact national rates of pay for such employees prescribed by the Commission in accordance with paragraph (3) of this subsection; and

"(C) recommendations for legislation as may be necessary to achieve the comparability policy set forth in section 5301(a) of this title or to achieve com-

parability within and between pay systems for employees within the purview of section 5301(b) of this title.

"(d)(1) In the exercise of the authority and the performance of the duties vested in and imposed upon the Commission by this section, the Commission—

"(A) shall seek the views, in such manner as the Commission may provide, of such employee organizations as the Commission considers appropriate; and

"(B) give thorough consideration to those views.

"(2) All decisions of the Commission shall be by a majority vote. The votes shall be recorded. A record shall be maintained of the views, assenting or dissenting, of the members of the Commission. The record of votes and views shall be available for public inspection and copying pursuant to section 552 of this title.

"(e) If a member of the Commission determines, and advises the Commission, that the rates of pay applicable to the appropriate pay system, as the rates are prescribed by the Commission, are not in conformity with the policy set forth in section 5301(a) of this title, the Commission shall submit, not later than February 1 following that determination, the rates of pay to the Board established by subsection (f) of this section for consideration by the Board.

"(f)(1) There is established, as a permanent agency of the Government, a Federal Employee Salary Board of Arbitration, referred to as the 'Board', which shall be composed of 7 members as follows:

"(A) 2 Members of the United States Senate designated by the President pro tempore of the Senate, each from a different political party;

"(B) 2 Members of the United States House of Representatives designated by the Speaker of the House, each from a different political party;

"(C) 1 designated by the Chairman of the Civil Service Commission;

"(D) 1, who may serve not more than 2 consecutive years, designated by a majority vote of the presidents of the four employee organizations which have designated members currently serving on the Commission under paragraph (5), (6), or (7) of subsection (b) of this section with each president of the employee organization under paragraph (5) or (7) having one vote and each president of the organizations under paragraph (6) having one-half vote; and

"(E) 1 designated by a majority of the members of the Board referred to in paragraphs (A) to (D), inclusive, of this subsection from the membership of the

American Arbitration Association, who shall be Chairman of the Board.

"(2) The Board shall consider the rates of pay submitted to it by the Commission pursuant to subsection (e) of this section and determine whether or not the rates of pay conform with the policy set forth in section 5301(a) of this title. If the Board determines that the rates of pay do not so conform, the Board shall prepare the rates of pay as will conform with that policy. The Board shall transmit to the Commission not later than the 30th day following the date the Board received the rates of pay submitted to it by the Commission, a report setting forth—

"(A) the decision of the Board with respect to the rates of pay submitted by the Commission;

"(B) the reasons for the decision of the Board; and

"(C) such rates of pay as the Board shall have determined to be necessary to conform with the policy set forth in section 5301(a) of this title.

The decision of the Board, and such rates of pay as it may prepare in accordance with this paragraph, shall be final and conclusive.

"(g)(1) Except as provided in paragraph (2) of this subsection, the Commission shall submit to the Congress the first report pursuant to paragraph (5) of subsection (c)

of this section, based on the 1969 national survey of professional, administrative, technical, and clerical pay, not later than February 1, 1970, and subsequent reports pursuant to such paragraph (5) not later than February 1 of each year thereafter.

"(2) In the case of the submission of rates of pay by the Commission to the Board pursuant to subsection (e) of this section, the Commission, immediately upon receipt of the final and conclusive decision of the Board, shall submit to the Congress the decision of the Board and such rates of pay as the Board shall have determined to be necessary to conform with the policy set forth in section 5301(a) of this title.

"(h)(1) Except as provided in paragraph (2) of this subsection, all or part (as the case may be) of the rates of pay submitted to the Congress as provided in subsection (c)(5) or subsection (g) of this section become effective at the beginning of the first pay period that begins on or after the first day of the year in which the rates of pay are submitted; but only to the extent that, within 30 days after the rates of pay are submitted to the Congress—

"(A) there has not been enacted into a law a statute establishing rates of pay other than those proposed by all or part of such recommendations,

"(B) neither House of Congress has passed a reso-

lution specifically disapproving all or part of the recommendations, or

"(C) both.

"(2) Any part of the recommendations, in accordance with express provisions of the recommendations, may be made operative on a date earlier than the date on which the recommendations otherwise are to take effect.

"(3)(A) The rates of pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28 shall be increased, effective on the first day of the first pay period which begins on or after the first day of the year in which increases become effective pursuant to this section, by amounts equal, as nearly as may be practicable, to the increases provided pursuant to this section for corresponding rates of pay.

"(B) Notwithstanding section 665 of title 31, the rates of pay of employees of an Executive agency and of the government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased pursuant to this section are hereby authorized to be increased, effective on the first day of the first pay period which begins on or after the first day of the year in which increases become effective pursuant to this section, by amounts not to exceed the increases provided pursuant to this

section for corresponding rates of pay in the appropriate schedule or scale of pay.

"(C) This section does not authorize any increase in the rates of pay of employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(D) This section does not impair any authority pursuant to which rates of pay may be fixed by administrative action.

"(4) Retroactive pay shall be paid by reason of this section only in the case of an individual in the service of the United States (including service in the armed forces) or the government of the District of Columbia on the day immediately following the close of the 30-day period specified in subsection (h)(1) of this section, except that such retroactive pay shall be paid—

"(A) to an employee who retired, during the period beginning on the first day of the first pay period which began on or after January 1, and ending on the day immediately following the close of the 30-day period specified in subsection (h)(1) of this section, for services rendered during that period, and

"(B) in accordance with subchapter VIII of chapter 55 of this title, relating to settlement of accounts,

for services rendered, during the period beginning on the first day of the first pay period which began on or after January 1, and ending on the day immediately following the close of the 30-day period specified in subsection (h)(1) of this section, by an employee who died during that period.

Such retroactive pay shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of this title, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased employee.

"(5) For the purposes of paragraph (4) of this section, service in the armed forces, in the case of an individual relieved from training and service in the armed forces or discharged from hospitalization following such training and service, includes the period provided by law for the mandatory restoration of the individual to a position in or under the Government of the United States or the government of the District of Columbia.

"(i) Each member and each associate member of the Commission and each member of the Board is entitled to travel expenses, including a per diem allowance in accordance with section 5703(b) of this title. Each such member or associate member who is not a Member of Congress or an employee is entitled to pay at a rate equal to the per diem

equivalent of the maximum rate of basic pay of the General Schedule for each day he is engaged in the performance of services for the Commission or the Board, as the case may be, except that the member from the American Arbitration Association may be paid the usual fees prescribed by that Association.

"(j)(1) Without regard to the provisions of this title governing appointments in the competitive service and of chapter 51 of this title and subchapter III of this chapter, relating to classification and General Schedule pay rates—

"(A) the Commission and the Board each may appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of this title; and

"(B) with the approval of the Commission or the Board, as appropriate, the Executive Director may appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule) of such additional personnel as may be necessary to carry out the functions of the Commission or of the Board, as applicable, and may obtain services of experts or consultants in accordance with section 3109 of this title, but at rates for individuals not to exceed that of General Schedule 18.

"(2) Upon the request of the Commission or of the

Board, the head of any department, agency, or establishment of any branch of the Government of the United States may detail, on a reimbursable basis, any of the personnel of such department, agency, or establishment to assist the Commission or the Board, as appropriate, in carrying out its functions.

"(k) The Commission and the Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

"(l) The Administrator of the General Services shall provide administrative support services for the Commission and the Board on a reimbursable basis.

"(m) The rates of pay that take effect under this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

"(1) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of such rates (other than any provision of law enacted in the 30-day period specified in paragraph (1) of subsection (h) of this section with respect to such rates); and

"(2) any prior recommendations or adjustments which took effect under this section or prior provisions of law.

"(n) The rates of pay that take effect under this section shall be printed in—

"(1) the statutes at large in the same volume as public laws;

"(2) the Federal Register; and

"(3) the Code of Federal Regulations.

"(o) Any increase in rates of pay that takes effect under this section is not an equivalent increase in pay within the meaning of section 5335 of this title or section 3552 of title 39.

"(p) Any rate of pay that takes effect under this section shall be initially adjusted, effective on the effective date of such rate of pay, under conversion rules prescribed by the President or by such agency as the President may designate.

"(q) The rates of pay of personnel subject to sections 210 and 213 (except subsections (d) and (e)) of the Federal Salary Act of 1967 (81 Stat. 633, 635; Public Law 90-206), and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period which begins on or after the first day of the year in which increases become effective pursuant to this section, by amounts which are equal, insofar as practicable and with such exceptions as may be necessary to provide for appropriate relationships between

positions, to the amounts of the adjustments made pursuant to this section, by the following authorities—

"(1) the Director of the Administrative Office of the United States Courts, with respect to the judicial branch of the Government; and

"(2) the Secretary of Agriculture, with respect to individuals employed by the county committees established under section 590h(b) of title 16.

Such adjustments shall be made in such manner as the appropriate authority concerned deems advisable and shall have the force and effect of statute.".

SEC. *3. The table of contents of subchapter I of chapter 53 of title 5, United States Code, is amended by striking out—*

"5302. Annual reports on pay comparability."

and inserting in lieu thereof—

"5302. Federal Employee Salary Commission; Federal Employee Salary Board of Arbitration.".

SEC. *4. Section 3552(a) of title 39, United States Code, is amended to read as follows:*

"(a)(1) Each employee subject to the Postal Field Service Schedule and each employee subject to the Rural Carrier Schedule who has not reached the highest step for his position shall be advanced successively to the next higher step as follows:

"(A) to steps 2, 3, 4, 5, 6, and 7—at the beginning of the first pay period following the completion of 26 calendar weeks of satisfactory service; and

"(B) to steps 8 and above—at the beginning of the first pay period following the completion of 52 calendar weeks of satisfactory service.

"(2) The receipt of an equivalent increase during any of the waiting periods specified in this subsection shall cause a new full waiting period to commence for further step increases.

"(3) An employee subject to the Postal Field Service Schedule who returns to a position he formerly occupied at a lower level may, at his request, have his waiting periods adjusted, at the time of his return to the lower level, as if his service had been continuous in the lower level.".

SEC. 5. (a) Each employee in levels 1 through 11 of the Postal Field Service Schedule and each employee subject to the Rural Carrier Schedule—

(1) who is in a step below the 2 top steps of his level shall be advanced 2 steps; or

(2) who is in either of the 2 top steps of his level shall receive basic compensation at a rate equal to his rate of basic compensation in effect immediately prior to

the effective date of this subsection plus the amount of 2 step increases of his level.

Changes in levels or steps which would otherwise occur on the effective date of this subsection without regard to the enactment of this subsection shall be deemed to have occurred prior to adjustments under this subsection. Each such employee who receives an adjustment under this subsection shall commence a new full waiting period, for further step increase purposes under section 3552(a) of title 39, United States Code, on the first day of the first pay period which begins on or after July 1, 1970, and service by such an employee on or after the effective date of this section and prior to the beginning of such pay period in July 1970 shall not be credited for such step increase purposes.

(b) For the purposes of the initial application of section 3552(a) of title 39, United States Code, as amended by section 4 of this Act, credit for satisfactory service performed by an employee in levels 12 or above of the Postal Field Service Schedule since his last step increase prior to the effective date of section 4 of this Act, shall be granted in an amount not in excess of the amount of service required for a one step increase applicable to the step category of the employee.

(c) The Postmaster General shall advance each employee in level 12 or above of the Postal Field Service Schedule—

(1) who was in level 12 or above on the effective date of this section and who did not receive a two-step increase pursuant to this section;

(2) who is senior with respect to total postal service to an employee in the same post office (A) who received a two-step increase pursuant to this section and (B) who is promoted to the same level on or after the effective date of this section; and

(3) who is in a step in the same level below the step of the junior employee described in clauses (A) and (B) of subparagraph (2) of this subsection.

Such advancement by the Postmaster General shall be to the highest step which is held by any such junior employee. Any increase under the provisions of this subsection is not an equivalent increase within the meaning of section 3552 of title 39, United States Code. Credit earned prior to advancement under this subsection for advancement to the next step shall be retained for step increase purposes under such section 3552.

SEC. 6. Section 5545(c)(2) of title 5, United States Code, is amended to read as follows:

"(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled,

overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 per centum nor more than 25 per centum, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS–10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position.".

SEC. 7. (a) Section 5942 of title 5, United States Code, is amended to read as follows:

"§ ***5942. Allowance based on duty at remote worksites***

"Notwithstanding section 5536 of this title, an employee of an Executive department or independent establishment who is assigned to duty, except temporary duty, at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable amount of expense, hardship, and inconvenience on the part of the employee in commuting to and from his residence and such worksite is entitled, in addition to pay otherwise due him, to an allowance

of not to exceed $10 a day. The allowance shall be paid under regulations prescribd by the President establishing the rates at which the allowance will be paid and defining and designating those sites, areas, and groups of positions to which the rates apply.".

(b) Notwithstanding section 5536 of title 5, United States Code, and the amendment made by subsection (a) of this section, and until the effective date of regulations prescribed by the President under such amendment—

(1) allowances may be paid to employees under section 5942 of title 5, United States Code, and the regulations prescribed by the President under such section, as in effect immediately prior to the effective date of this section; and

(2) such regulations may be amended or revoked in accordance with such section 5942 as in effect immediately prior to the effective date of this section.

(c) The table of contents of subchapter IV of chapter 59 of title 5, United States Code, is amended by striking out—

"5942. Allowance based on duty on California offshore islands or at Nevada Test Site."

and inserting in lieu thereof—

"5942. Allowance based on duty at remote worksites.".

SEC. 8. (a) Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations

"(a) An employee of the Corps of Engineers, Department of the Army, engaged in floating plant operations may be furnished quarters or subsistence, or both, on vessels, without charge, when the furnishing of the quarters or subsistence, or both, is determined to be equitable to the employee concerned, and necessary in the public interest, in connection with such operations.

"(b) Notwithstanding section 5536 of this title, an employee entitled to the benefits of subsection (a) of this section while on a vessel, may be paid, in place of these benefits, an allowance for quarters or subsistence. or both. when—

"(1) adverse weather conditions or similar circumstances beyond the control of the employee or the Corps of Engineers prevent transportation of the employee from shore to the vessel; or

"(2) quarters or subsistence, or both, are not available on the vessel while it is undergoing repairs.

"(c) The quarters or subsistence, or both, or allowance in place thereof, may be furnished or paid only under regulations prescribed by the Secretary of the Army.".

(b) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by adding—

"5947. Quarters subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations."

immediately below—

"5946. Membership fees; expenses of attendance at meetings; limitations.".

(c) The Act entitled "An Act to authorize the furnishing of subsistence and quarters without charge to employees of the Corps of Engineers engaged on floating plant operations", approved May 13, 1955 (69 Stat. 48; Public Law 35, Eighty-fourth Congress) is repealed.

SEC. 9. (a) This section, the first section, and sections 2 and 3 of this Act shall become effective on the date of enactment of this Act.

(b) Sections 5, 6, 7, and 8 of this Act shall become effective on the first day of the first pay period which begins on or after October 1, 1969.

(c) Section 4 of this Act shall become effective on the first day of the first pay period which begins on or after July 1, 1970.

Union Calendar No. 191

91ST CONGRESS
1ST SESSION

H. R. 13000

[Report No. 91–480]

A BILL

To implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.

By Mr. UDALL, Mr. CORBETT, Mr. OLSEN, Mr. DANIELS of New Jersey, Mr. NIX, Mr. CHARLES H. WILSON, Mr. WALDIE, Mr. WILLIAM D. FORD, Mr. HAMILTON, Mr. BRASCO, Mr. TIERNAN, Mr. PURCELL, Mr. CUNNINGHAM, Mr. JOHNSON of Pennsylvania, Mr. BUTTON, Mr. MESKILL, Mr. LUKENS, and Mr. HOGAN

JULY 22, 1969

Referred to the Committee on Post Office and Civil Service

SEPTEMBER 9, 1969

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

H. R. 13006

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY; NOT TO BE QUOTED OR CITED)

Issued October 15, 1969
For actions of October 14, 1969
91st-1st No. 167

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HIGHLIGHTS: House committee received Interior appropriations conference report. House committee reported bill to increase food stamp authorization. House passed salary comparability bill. House subcommittee approved CCC dairy products donation bill.

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

HOUSE

1. APPROPRIATIONS. Received the conference report on H. R. 12781, the Interior and related agencies appropriations bill (H. Rept. 91-570) (pp. H. 9452-4). A table reflecting conferees' action on items relating to Forest Service is attached to this Digest.

2. P. L. 480; ALCOHOLIC BEVERAGES. The Agriculture Committee reported without amendment H. R. 14169, to amend the Agricultural Trade Development and Assistance Act to remove certain restrictions against domestic wine (H. Rept. 91-565). p. H9574

3. DAIRY PRODUCTS. A subcommittee of the Agriculture Committee approved for full committee action H. R. 12588 as amended, to amend the Agricultural Act of 1949 in regard to the use of dairy products. p. D940

4. HONEY. A subcommittee of the Agriculture Committee approved for full committee action, H. R. 9655, the honey promotion and research bill. p. D940

5. HOUSING. The Rules Committee reported a resolution for the consideration of H. R. 13827, the housing and urban development bill. p. H9574

6. ADMINISTRATIVE CONFERENCE. The Rules Committee reported a resolution for the consideration of H. R. 4244, to amend section 576 of title 5, USC, pertaining to the Administrative Conference of the U. S., to remove the statutory ceiling on appropriations. p. H9574

7. PEACE CORPS. Received the conference report on H. R. 11039, the Peace Corps authorization bill (H. Rept. 91-564). p. H9454

8. FOOD STAMP. The Agriculture Committee reported without amendment H. J. Res. 934 to increase the authorization for the food stamp program to $610 million for fiscal year 1970 (H. Rept. 91-566). p. H9574

9. FEDERAL SALARY COMPARABILITY. Passed, 311-51, with amendments H. R. 13000, to implement the Federal employee comparability pay system (pp. H9459-95). Rejected, 281-81, a motion by Rep. Gross to recommit the bill to the Post Office and Civil Service Committee for further study (pp. H9493-4).

10. ECONOMY. Rep. Anderson criticized the Administration's alledged belief that an increasing unemployment rate is good - that it is economic progress. pp. H9495-6

Rep. Cleveland inserted an article regarding unemployment and inflation. pp. H9514-16.

Some who have been critical might do well to talk to a former Member of this body from the Democratic side of the aisle, a Member whose credentials as a liberal will match those of anybody on that side of the aisle today—our former colleague from the State of Michigan, Neil Staebler.

Neil Staebler has just returned from a personal-expense trip to Vietnam.

Those urging that we withdraw unilaterally from Vietnam should talk to Neil Staebler.

Neil Staebler said unilateral withdrawal would end up in the worst blood bath that you could imagine in South Vietnam. Three million Catholics who fled from the Communist dictatorship in North Vietnam are now in South Vietnam.

Neil Staebler will tell you that the South Vietnamese people today are turning in active support to the government in Saigon, and that it would be disastrous for the United States to unilaterally withdraw because this would mean the end of a responsible government that is getting broader based all the time.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to proceed for 30 additional seconds, if I might.

The SPEAKER. The Chair will state to the gentleman from Michigan that we are operating under the 1-minute rule, and that cannot be done.

WE SHOULD SUPPORT PRESIDENT NIXON'S POSITION ON THE WAR IN VIETNAM

(Mr. PELLY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, I yield to the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I appreciate the gentleman from Washington yielding me this time. I understand the distinguished Speaker's problem, insofar as extension of time under the 1-minute rule is concerned.

Mr. Speaker, just let me say in conclusion that the President of the United States is acting affirmatively to end the war in Vietnam. Twelve percent of the troops assigned to Vietnam when he took office in January 1969 are either home or on their way home. Twenty percent of the combat military personnel who were there when the President took office are now out of Vietnam.

The President is working hard for peace, and we will get peace, either at Paris or through the phasing out of our troops and phasing in of South Vietnamese troops. I believe the American people support this plan for peace, and anything that undermines it will be most unfortunate for our men who are in Vietnam, and those who are fighting for freedom around the world.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR SUBCOMMITTEE NO. 5, COMMITTEE ON THE JUDICIARY, TO SIT DURING GENERAL DEBATE TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 5 of the Committee on the Judiciary may sit during general debate tomorrow, Wednesday, October 15.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. POFF. Mr. Speaker, reserving the right to object, may I ask the distinguished majority leader if the request has been cleared with the minority leader?

Mr. ALBERT. It has been cleared with the distinguished ranking Republican member of the committee, the gentleman from Ohio (Mr. MCCULLOCH).

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. POFF. I yield to the minority leader.

Mr. GERALD R. FORD. The matter has been cleared with me also. I strongly urge that the unanimous consent be granted. The subcommittee is working on the anticrime bill. We want it out, and this is one way to get it out.

Mr. POFF. I thank the gentleman. I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEGISLATIVE PROGRAM—RAISING INTEREST RATE ON SERIES E AND H BONDS

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I take this time to advise Members that the distinguished gentleman from Arkansas (Mr. MILLS), chairman of the Committee on Ways and Means, has requested me to announce that sometime during this week he will seek to call up, under unanimous-consent agreement, the bill, H.R. 14020, to amend the Second Liberty Bond Act to increase the maximum interest rate permitted on U.S. savings bonds, a bill which has been unanimously reported by the Committee on Ways and Means.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 217]

Abbitt	Edwards, Calif.	Martin
Adams	Fallon	May
Arends	Farbstein	Meeds
Ashbrook	Fascell	Nedzi
Ashley	Findley	Nelsen
Aspinall	Fish	O'Konski
Berry	Fisher	Ottinger
Blatnik	Flynt	Patman
Bow	Foley	Pollock
Brock	Ford, William D.	Powell
Brooks	Frey	Quie
Brown, Calif.	Fulton, Tenn.	Reid, N.Y.
Burton, Utah	Gray	Rivers
Cahill	Green, Oreg.	Rodino
Camp	Griffin	Rooney, Pa.
Carey	Haley	Roybal
Casey	Hansen, Wash.	St Germain
Cederberg	Hastings	St. Onge
Celler	Hays	Saylor
Clark	Holifield	Scheuer
Cohelan	Hosmer	Sisk
Collier	Jacobs	Smith, Calif.
Collins	Jonas	Steed
Corman	Jones, Ala.	Steiger, Wis.
Daddario	Jones, Tenn.	Sullivan
Dawson	Karth	Taylor
de la Garza	Kirwan	Teague, Calif.
Delaney	Kuykendall	Tunney
Devine	Kyros	Vander Jagt
Diggs	Lloyd	Watson
Dingell	Lujan	Whalley
Eckhardt	McMillan	Wold
Edmondson		Wright

The SPEAKER. On this rollcall, 333 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CORRECTION OF VOTE

Mr. BURTON of California. Mr. Speaker, on rollcall No. 213 on October 9, I am recorded as absent. I was present and voted "yea." I ask unanimous consent that the permanent RECORD and Journal be corrected accordingly.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FEDERAL SALARY COMPARABILITY ACT OF 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 576 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 576

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Post Office and Civil Service now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a sub-

stitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

(Mr. O'NEILL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume and at the conclusion of my remarks yield to the gentleman from Illinois (Mr. ANDERSON) one-half hour.

Mr. Speaker, House Resolution 576 provides an open rule with 2 hours of general debate for consideration of H.R. 13000 to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes. The resolution further provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment.

There are two basic purposes of H.R. 13000:

First, the setting up of a permanent method of adjusting the pay of Federal employees who are paid under GS, PFS, Foreign Service schedules and the schedules relating to doctors, dentists and nurses under the Veterans Administration; and

Second, the elimination of inequity requiring postal employees to serve 21 years before reaching maximum pay for their work. Under this bill they would reach top pay in 8 years.

A Federal Employee Salary Commission would be set up, composed of four representatives from the Executive and four from employee organizations. For purposes of voting, the employee groups have only three votes; however, in the event of arbitrary behavior, aggrieved employees will have recourse through the Board of Arbitration.

The Board of Arbitration will be composed of four Members of Congress—two from each body—one representative each of the Executive and the employees, and an impartial chairman selected by the other six. The Board will decide whether the decision of the Commission is in agreement with policy directives in the law.

In order to create more incentives in the postal service, the present system of in-step promotion before reaching the top step in grade will be reduced from 21 years to 8 years. All lower grade employees—PFS 1 to PFS 11—are given a 2-step advancement effective October 1, 1969. The higher levels—PFS 12 and above—will be given earned step advancement on July 1, 1970, as their first step in the acceleration program.

An allowance of not more than $10 per day for commuting would be allowed employees of executive and independent establishments assigned to duty at remote worksites.

Corps of Engineers employees engaged in floating plant operations, when the employees cannot board vessels due to weather conditions or while a vessel is in the yard for repairs will be paid an allowance.

Premium compensation will be permitted for certain employees for Sunday, night, holiday, and overtime pay.

Mr. Speaker, I urge the adoption of House Resolution 576 in order that H.R. 13000 may be considered.

(Mr. ANDERSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as is sometimes the case, I believe that the title of this particular bill, H.R. 13000, is somewhat deceptive in that it is called "the Federal Salary Comparability Act of 1969." I am certain that in the debate we have on this bill today, this afternoon, that much will be said about the pledge that the Congress made in 1962 to afford full comparability to those who are employed by the Federal Government, and particularly those in the Federal postal service.

However, I think that when I voted for comparability in 1962, along with, I believe, virtually the entire House of Representatives, I had no idea we would come to the point to which we have come in this legislation—to remove completely from the authority of the President to have an input on salary schedules for those in the Executive branch and to so circumscribe the authority of the Congress that we have literally nothing left to say about the manner in which Federal salaries and Federal compensation is fixed. Therefore, I would suggest that we ought to examine with some care the provisions of this legislation, relating as they do to a Federal Salary Commission and to a Federal Arbitration Board, because I asked one of the witnesses who appeared before the Committee on Rules, the distinguished gentleman from Arizona (Mr. UDALL) just exactly how the President could ever frame a meaningful budget, considering, as we must, that we have something like 2 million Federal employees that would be brought under the purview of this legislation—I do not have the exact figure on the tip of my tongue, but the Federal payroll a few years ago was $18 billion. I am sure it is much more than that today—how is the President of the United States ever going to be able to submit meaningful budget estimates when we take out of his hands completely, I repeat—anything to do or to say about the setting of Federal compensation.

Of course, if you have read the report and if you have read the views that were submitted on this bill by the Deputy Director of the Bureau of the Budget and by the Postmaster General, you will find that it is precisely for this reason that they are in opposition to this legislation. I do not, for one, oppose what my friend from Massachusetts (Mr. O'NEILL) said that for a long time we have neglected particularly those in the postal service, and I think my record is good in that regard.

Since I came to the Congress 9 years ago, I have voted, I believe, without exception for increases for postal workers. But I do object, and I do object very fundamentally to the means that the Post Office Committee now seeks to employ as far as the fixing of Federal salaries and compensation is concerned.

Let me make one other point. I received a wire, as did all Members of the House, a few days ago signed by the president of some of the postal unions. The first line in that wire read:

H.R. 13000 is a significant first step toward postal reform.

I think this bill is going to move us farther away from the objective of postal reform. I think once this legislation becomes law, if it does become the law of the land; once we set up permanent machinery for the annual review and fixing by this Federal Salary Commission of salaries for postal employees and other Federal employees, we are going to be moving, not toward, but away from the goal of postal reform.

I noted also a document that came to my desk just over the weekend, a publication put out by the United Federation of Postal Clerks, the Federation News Service, in which is reported the granting of a rule on this particular bill H.R. 13000 and in which, referring to the 13–to–13 vote in the House Post Office and Civil Service Committee which, in effect, defeated the administration's postal reform measure, the following is said:

Therefore, we must continue our efforts with PO&CS Committee Members and all Congressmen in support of the Dulski Postal Reform bill, H.R. 4, and remain "on guard" continually against H.R. 11750 and all corporation amendments!

Make no mistake about it. The people who are supporting this bill today are against postal reform. They are against the Postal Corporation and they are satisfied that once this bill becomes the law of the land and they have this commission fixing salaries, nobody is even going to talk any more about the kind of fundamental far-reaching basic reform of the postal system that not only I think we need, but also the people of this country are speaking of today with a rather loud voice to their Representatives in Congress, saying they are dissatisfied with the way the affairs in this department are being run. They want basic, far-reaching postal reform.

I feel this bill simply is not going to advance us one step in the direction of that reform.

The purpose of the bill is to set up a permanent method of adjusting the pay of Federal employees and to provide pay increases for postal workers.

The bill creates a Federal Employee Salary Commission of eight members, four appointed from the executive departments and four from Federal employee groups. The Commission shall make studies and draw up salary schedules. For voting purposes, the employee group will have only three votes so that the Executive will control the Commission.

Also created by the bill is the Federal Employee Salary Board of Arbitration composed of two Senators and two Representatives, appointed bipartisanly, one member appointed by each of the Chairman of the Civil Service Commission and

the employee groups, and one member appointed by a majority of the Board, who shall serve as chairman.

If any member of the Salary Commission shall disagree with the recommendations of the Commission, he can appeal to the Board, whose decision shall be binding and have the effect of law unless specifically overridden by the Congress within 30 days of the submission of such pay schedule recommendations. This is the only place where the Congress would become directly involved with the operation. The President is actually not involved at all in any direct manner. There is only one Executive-appointed member on the Board. Since the Executive has voting control of the Salary Commission and since any minority member of the Commission may appeal to the Board, the Board will almost always have the final say. Unless Congress would take affirmative action to stop such recommendations as the Board may submit, they become effective.

The bill also provides pay raises for postal employees. Current law requires 21 years for a postal employee to reach the top step in his grade. The bill reduces this period to 8 years.

All lower grade postal employees—grades 1 to 11—are given two-step advancement effective October 1, 1969. Higher level employees—grades 12 and above—will be given earned step advancement on July 1, 1970. The estimated cost of the advancement for lower grade employees in fiscal 1970 is $244,000,000. This is not in the budget. The 1971 additional cost is estimated to be $544,000,000.

There are several minor provisions contained in the bill. A $10 per day payment is authorized to Federal employees working at remote locations to defray commuting expenses. The payment of premium compensation is also authorized for certain employees who must work holidays, Sundays, and at night. These include border patrolmen, customs officials, and agents of the FBI. These features are estimated to cost about $100,000 per year.

Separate views are filed by the gentleman from Virginia (Mr. SCOTT). He supports the concept of a permanent Salary Commission but believes it should be advisory to the President and the Congress and should not have its recommendations become effective until affirmative action by the Congress approves them. Nor does he believe the President should be bypassed because of the budgetary impact of salary increases. He opposes giving some Federal employees a raise when others do not receive equal treatment.

The gentleman from Iowa (Mr. GROSS) and the gentleman from Illinois (Mr. DERWINSKI) have filed minority views strongly opposing passage. They believe the bill destroys the President's authority and responsibility to participate in determining pay schedules. They likewise believe the bill substantially removes the Congress from any effective voice in the same determination, leaving it about in the same position with respect to Federal employees as it now is with respect to the salaries of Members, judges, and executive-level employees in the departments downtown. They oppose this.

They note that none of the pay increases for 1970 are budgeted and could easily reach $2,000,000,000 in calendar 1970 if all Federal employees are given only a 5-percent increase.

They expect employee-members of the Salary Commission who do not get all they want to immediately appeal to the Salary Board. Board decisions are binding, on Congress and on the President. They believe that the resopnsibility of the Congress and the President must be maintained. They want the bill defeated.

The administration does not support the bill. There are two principle reasons: unbudgeted funding, and the loss of Executive authority in the area.

The bill is a committee substitute; the rule will have to reflect this.

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the distinguished chairman of the committee, the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Speaker, first of all, I have always had the greatest respect and admiration for the gentleman in the well, but when the gentleman says that postal reform is dead, I wish to inform the gentleman that today the Committee on Post Office and Civil Service met in executive session and the first section of an amendment giving the Postmaster General 9-year term of office to provide continuity in the top postal management.

Last but not least, the gentleman talks about what the bill will do, but is it not true what the gentleman in the well just said a few moments ago is the same thing the corporation would do? The corporation would take over the entire function of the Congress on rates and wages. A postal corporation would take pay out of the hands of the Congress, just the same as this bill does.

Mr. ANDERSON of Illinois. Mr. Speaker, in response to the gentleman from New York, I would make this reply, and this is one thing I am sure his committee did not do in the executive session that the gentleman refers to. The bill is not going to leave it to free collective bargaining between representatives of the postal workers and other Federal employees and those who represent management on the Federal level. The gentleman is not willing to leave it to the process of free collective bargaining on the setting of these wage rates. If the gentleman was willing to do that I would be with him, because then I think we would bring the whole business of the Post Office Department down to the kind of working arrangement that is feasible and has been feasible for 180 years in the private sector. I cannot see why it would not work in the public sector.

I cannot for the life of me understand these people who are wiring me and the people who are signing their names to the communication I read a moment ago, who are exponents of the right of free collective bargaining for Federal employees, I cannot understand why they resist with every ounce of their strength apparently the idea that we ought to have free collective bargaining in this area. It seems to me that ought to be the very function and purpose of these unions, to represent people in the setting of wages and terms and conditions of employment. Yet this is one thing they do not want.

What they want to set up is a Salary Commission. We are inevitably going to have an appeal from the Commission, and the gentleman knows that as well as I, and then whom do we have on the Arbitration Board? We have a majority of the Board consisting of Members of Congress, two from the House, and two from the Senate, appointed by the Speaker and the President pro tempore of the Senate. These four people are going to be under the heaviest imaginable pressure to yield to the demands that will then be made to arbitrate the differences about areas of wages and compensation in the postal service and the Federal employment. I would suggest this is scarcely the best way to arrive at an objective determination of those questions.

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from New York.

Mr. DULSKI. Mr. Speaker, I will not argue on the point about the Commission. I feel just as well as the gentleman does, that we must have real postal reform. In H.R. 4 we have the mechanism that will achieve real reform within the confines of the responsibilities of Congress. But let me tell the gentleman this much. I started hearings on April 22, and I have been working on these questions. When H.R. 4 comes out of the committee, with perfecting amendments added, it will provide truly meaningful postal reform.

I assure the gentleman that postal reform will not be killed so long as I stay as chairman of the committee.

Mr. ANDERSON of Illinois. I am sure the gentleman is both sincere and honest in the convictions he has expressed. I do not for a moment impugn the sincerity of his position.

If I could believe, I say to the gentleman from New York, that the amendments he says inevitably will come and will be attached to this bill, H.R. 4, would include collective bargaining so far as wages are concerned, and if they would include taking the ratemaking process out of the Congress and putting it under the kind of ratemaking board the Postmaster General has asked for in H.R. 11750, then I think you would have a good bill. I have very little reason to believe that kind of bill will come from the committee.

Mr. BRASCO. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from New York.

Mr. BRASCO. I just want to point out that I believe the gentleman in the well is mistaken on two accounts here.

First, the gentleman indicated if we were to pass this bill today we would take away from the President and the Congress any role in the fixing of sal-

aries. That is true in terms of the salary-fixing Commission. However, under the corporate setup the President and the Postmaster General have asked for the same kind of concept.

Mr. ANDERSON of Illinois. If the gentleman will permit me to continue, it would be done by the process of free collective bargaining. That is my whole point.

Mr. BRASCO. That is not so. If the gentleman will take a look at the bill encompassing the corporate form, there is set up a disputes panel to complement the process of collective bargaining. The unfortunate part is that there is no true collective bargaining, because if there is an impasse, the disputes panel must say OK before an item can come before it. There is no guarantee to labor that the disputes panel will okay discussing any item, when there is an impasse, must be resolved. So under the corporate bill there is no true collective bargaining. That is why labor could not support it.

Mr. ANDERSON of Illinois. I cannot agree with the gentleman's statement there is no collective bargaining under that bill. I believe there is.

I shall not take time to continue this debate further, except to suggest, as I have already indicated, that this is not just a salary comparability bill. This bill represents a very fundamental change, and I think a total abdication of responsibility by the Congress. It takes the President out of the decisionmaking process altogether.

We ought to look very carefully and very closely at our action today before we vote finally on this measure.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of H.R. 13000.

The elimination of the longstanding inequity which has required postal employees to serve 21 years before reaching maximum pay for their work is long overdue. The best distribution clerks and letter carriers, the backbone of our postal service, can expect under existing law, is $1,864 less than the minimum standard of a so-called moderate standard of living after 21 years, and at mid-range, PFS 5, step 4, they receive only $111 more than the standard set by the Bureau of Labor Statistics for a low standard of living.

This is patently unfair to thousands upon thousands of loyal devoted career employees, Mr. Speaker, and I urge our colleagues to correct it here today by adoption of this legislation.

I also support enthusiastically the creation of a Federal Employee Salary Commission, and of an Arbitration Board to resolve any conflicts which might develop within the Commission. I feel it is particularly important that representation on the arbitration board by afforded Members of the House and Senate.

The semiautomatic adjustments we effected in 1968 and 1969 were based on a survey done by the Bureau of Labor Statistics under the control of the Civil Service Commission and the Bureau of the Budget, and I understand my colleagues on the committee are gravely concerned about whether or not true comparability was actually achieved under these adjustments.

The creation of a Federal Employee Salary Commission will eliminate in the future any bias which may have existed in the conduct of these surveys in the past. The Commission can also prevent future recurrences of the position, which has often been taken by the executive branch, that the congressional policy of comparability should be implemented only when a budget surplus permits. The Commission can guarantee once and for all that Federal employees will not be the first to suffer from budget limitations and that adequate compensation will be provided in order to maintain the high level of competence we need in the Federal Government. Further, we will establish once and for all the regular adjustments in salaries of Federal employees are an automatic cost of Government rather than an act of generosity.

I regret, Mr. Speaker, that this legislation in its present form does not provide also for a comparability increase at the date of enactment for other Federal employees. By not including some adjustment at this time, we will, in effect, make it necessary for other employees to wait for consideration of such an increase until the Federal Employee Salary Commission the legislation creates can become operable and afford them relief.

It is my understanding that an amendment will be offered today which will include other Federal employees, and I shall certainly support that amendment when it is offered.

Mr. Speaker, I also support the provisions of this measure which provide for payment to defray commuting expenses of employees assigned to duty at remote worksites; for payment to employees engaged in floating plant operations who are prevented from boarding their vessels under circumstances beyond their control; and for payment of premium compensation to certain groups of employees who are not now compensated for work on Sundays, nights, holidays, and overtime.

Mr. Speaker, most of the provisions of this legislation are desperately needed, and I am therefore supporting it. As I said earlier, I sincerely feel we should include other Federal employees in its salary adjustment provisions, and I shall support an amendment to do so. However, regardless of whether or not the amendment is adopted, I shall support the bill on final passage.

Mr. O'NEILL of Massachusetts. Mr. Speaker, does the gentleman have any further requests for time?

Mr. ANDERSON of Illinois. I have no further requests for time.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. UDALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Arizona.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13000, with Mr. PRICE of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arizona (Mr. UDALL) will be recognized for 1 hour, and the gentleman from Pennsylvania (Mr. CORBETT) will be recognized for 1 hour.

The Chair recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I yield such time as he may consume to the chairman of the full committee, the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, enactment of H.R. 13000 will represent the final step in carrying out one of the chief long-range legislative programs of the Committee on Post Office and Civil Service.

It achieves an objective that the committee has shared with the vast majority of our colleagues—the establishment of a permanent system for adjusting the pay of all Federal employees under the principle of comparability adopted by the Congress in 1962.

That is the chief—in fact the overruling—purpose of the bill.

A second most important advance in pay-setting also is accomplished by H.R. 13000.

The bill eliminates a serious inequity which now makes most of our postal employees serve an "apprenticeship" of 21 years before he is paid the "journeyman" top pay rate.

The bill reduces the 21-year apprenticeship to 8 years.

Mr. Chairman, our Subcommittee on Compensation, under the able leadership of the gentleman from Arizona (Mr. UDALL), is to be commended for its fine work on this legislation.

Mr. UDALL. Mr. Chairman, I yield myself 10 minutes.

(Mr. UDALL asked and was given permission to revise and extend his remarks.)

Mr. UDALL. Mr. Chairman, this is really an historic pay bill in every sense of that perhaps overworked term. To put it into focus, let me begin by summarizing for the committee some of the features of the Government salary systems that the Federal Government has. I think there has been some confusion on this point.

The taxpayers of this country will pay out this year in salaries about $41 billion. This is almost equally divided between civilian salaries and military salaries. I will insert the precise figures in the extension of my remarks in the table that I have here, but the military salaries are $21 billion and the civilian salaries are about $20 billion. I insert the following in the RECORD at this time:

PERSONNEL PAY INFORMATION

	Dollar amounts paid (billions)	Number of employees	Annual pay	Hourly pay
General schedule	11.03	1,300,000	$8,648	$4.16
Postal field service	4.42	735,000	6,932	3.44
Wage board	4.05	740,000	6,802	3.27
Military	21.103	3,458,000		
Other	.948	120,000	7,407	3.56

	Millions	Billions
Total civilian	2.75	$20.448
Total military	3.458	21.103
Personnel	6.208	41.551

The civilian salaries are really divided into perhaps four main categories. It is important to keep them separate, because some of the features of this bill deal with one or another of the various salary systems. The general schedule is the largest of the civilian salary system. It is the so-called classified service. There are 1.3 million or 1⅓ million Federal employees in this classified service. The payroll for this year for these people will be roughly $11 billion. Next we come to the postal field service. This service has 735,000 employees. The payroll for them this year will be about $4.4 billion. Next we have a number of miscellaneous systems that are covered in this bill. We have the Veterans' Administration and the doctors, dentists, and officials who work for the Veterans' Administration. We have the Foreign Service, with the two Foreign Service salary systems. These miscellaneous systems amount to a little under $1 billion and employ something on the order of 120,000 Americans.

On top of this we have the military where we have about 3.5 million men in uniform in the military. Their pay, as I indicated, this year will be about $21 billion.

You simply cannot do the things this Government has undertaken to do and you cannot have the Military Establishment and you cannot have the Post Office Department that we have and a $900 billion economy without a lot of employees, and you cannot have employees without salaries.

A continuing problem for the Congress has been how do you fix salaries; What are adequate salaries? These are the problems my subcommittee and our great full committee have wrestled with. In fact, because of an act passed in the last Congress, we now fix the policy, as it were, for the whole Federal Government, because there is a statute which says that once you adjust Federal civilian salaries in any specific amounts, then the military service automatically gets the same increases in proportion in the different grades of the military service.

So the decisions we make today in this bill and the decisions which we have made previously are vital decisions that involve billions of dollars, that involve fundamental government both with regard to the treatment of its employees and the service which they perform for their Government.

Mr. Chairman, I think it is well that this House consider these decisions and consider them very carefully.

What does this bill do? This is not just another pay bill. You have all been here, the oldtimers, and voted against the various pay bills. However, this is a very different bill. Indeed, the gentleman from Illinois (Mr. ANDERSON) has put his finger upon some of the key aspects of the bill. This may be the last pay bill you ever vote for if you stay here for another 20 years. This is not a change; it is a fundamental change. It is not a change that has been ill considered and a change that was not made without deep and careful thought.

Mr. Chairman, the change advocated in this bill represents an achievement for me over the period of about a 5-year program because I have been personally working to bring about some kind of rational, sensible, permanent way of approaching the problem of the adjustment of Federal salaries. I say this because this problem is going to be with us every year. This is a plan of machinery, a method of adjusting the Federal, civilian, postal, classified, and military salaries. If you support this bill today, and I urge you do so, and if it passes, you will have, I think, made a historic achievement and brought to this whole problem a rationality and a permanence that it never had before.

Mr. Chairman, what does the bill do? The bill really does two major things. First, it deals with the postal people only; and, second, you are dealing generally with the Federal employees across the board. There are inequities and I shall first deal with the postal provisions because there was some controversial thought but was supported widely in our committee when finally understood and that is the plight of the letter carriers, the plight of the clerks, and there are over, I think, nearly one-half million of these people. These are men engaged in dead end employment. The statistics show that over 90 percent of them begin and end their careers—their 20 to 30 years of service careers—in the same grade. They begin at level 4 or 5 and end their careers at that level. It is a dead end employment. Less than 1 percent of them in any one year expect a promotion in their grade level.

Mr. Chairman, the postal field service is constructed so that there are 12 steps and in order to become a full-fledged letter carrier one must serve a minimum of 21 years, until they are appointed to the top level. In other words, they serve an apprenticeship, really, for 21 years before qualifying for the top salary step.

Take for example, if I am a carpenter, at the end of 2 or 3 or 5 years I then become a full-fledged carpenter. If I am a policeman employed under most city or State governments, I am a full-fledged policeman at some point in 2 or 3 or 4 or 5 years. But if you are in the postal field service, you are still classified as a rookie.

Mr. Chairman, this bill shortens the time of such service from 21 years to 8 years during which it takes a new man coming into the postal field service to reach the top step. This is crucial, because we must begin to recruit the good people we need. The turnover has been something frightening for the whole postal service because next year one man out of every four working for the postal service will be gone from some type of postal activity. The substitute clerks, for example, the turnover is 45 percent. How would you like to run an efficient business with a turnover of 45 percent in a category of employees who sort the mail, who know the streets and addresses and all the rest that goes with the proper and efficient handling of the mail?

Mr. Chairman, the first thing this bill does is to change the structure and to correct a longstanding injustice and to shorten the period of that service from 21 years to 8 years.

The second major feature of this bill——

Mr. GROSS. Mr. Chairman, will the gentleman yield before he goes to the other feature?

Mr. UDALL. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. Is it not true that only a couple of years ago or, maybe, 3 years ago an effort was made to reclassify the postal workers and the majority on the committee voted it down?

Mr. UDALL. We reclassified the grade 4's in 1967; we made them grade 5's so we did reclassify in that sense, it was not a full grade 5, as the gentleman knows.

Mr. GROSS. That may well be, but the attempt was made at that time to reclassify and, as far as I am concerned, it should have been passed. I supported it, but for some strange reason it was voted down. I am not going into the particulars of what happened on that occasion, the gentleman is well aware of them, and so were others on this committee.

Mr. UDALL. The gentleman from Iowa always attempts to keep me on the straight and narrow path, so I certainly appreciate his contribution because he always corrects me if I make an error, and if in the future I make an error he will correct me or call me to account.

The second major change this bill makes is the most vital one, and is the most controversial, and the gentleman from Illinois, a member of the Committee on Rules, spoke about it just a few moments ago.

What this bill does is to take Congress out of the nonsensical position of fighting year in and year out a Federal pay bill. Each year since 1962, with the exception of the last 2, we have had pay rallies in Washington, the corridors have been filled with postal employees coming to Washington to petition for redress of their grievances. We have argued and battled whether or not the budget would stand for it, and we have fought the White House, and the employee unions, and we have been caught in the middle of this thing year in and year out.

So now for the first time we are going to put this on a rational basis, and establish a salary commission. This commission is not given a blank check. Congress does not abdicate its responsibility. The President is not taken out of the picture as it has been alleged.

This Commission will carry out the policies that Congress makes.

Let me give you an example. Suppose you are the president of a very busy bank——

The CHAIRMAN. The time of the gentleman has expired.

Mr. UDALL. Mr. Chairman, I yield myself 5 additional minutes.

As I started to say, suppose you are the president of a very important and busy bank, and you find that you are spending about two-thirds of your time attempting to haggle with every bookkeeper, teller, and clerk in the bank on whether their pay should be increased, and as a result you find you cannot attend to the really important problems of the bank.

As a result, I think what you might do would be to call in a trusted lieutenant, and you would say to him that it is the policy of this bank to pay the tellers in this bank what the tellers are paid in other banks in this city, and to pay the janitors in this bank what the janitors in other banks are paid, and to pay the bookkeepers what other bookkeepers in other banks are paid. Do not bother me with all these problems. You take some time and attempt to find out what the salary schedules are for bookkeepers in other banks, or companies, or industries, that are comparable to the banking industry, and bring those in to me and I will put them in effect; lay them on my desk for my consideration, and then I will check them, and if I like them I will put them in effect.

That is what we do here. Congress fixes our policy, and we say that a bookkeeper in the Veterans' Administration or a bookkeeper in NASA or a bookkeeper in the Defense Department ought to get the same pay that a bookkeeper receives in private industry who has that kind of responsibility.

We do not take the time of the Congress to do this; we put it in the hands of experts who go out and study it and find out what it is, and who then come in and lay it before us, and we can take it or leave it.

This is the delegation that some will object to. This is the abdication of congressional responsibility that some will object to.

I emphasize that under this bill the House and the Senate will still have the veto authority. We will set the policy, as I have indicated.

Let me ask you a question or two about this: During 1968 and 1969 did any of you feel like you had abdicated your responsibilities? Did any of you feel lonely because we did not have pay rallies? 1968 was the first year on record when we have not been confronted with a pay bill. The last was in 1967 when we wrote a bill as kind of a test where we said, let us test a new idea, we can work out a formula, and we said to the President when July 1968 comes, you take a look at private enterprise and with the BLS statistics, and all the other information that is available, and let us put them together and come up with the results.

This the President did, and it was the fairest and best, most rational and least cumbersome pay raise we have ever had.

The President did the same thing this year. Did any of you feel guilty? Did any of you feel lonely? Did any of you feel like we had abdicated our responsibilities? Or did you feel like I felt, that we in the Congress had set the policy in 1967, and set up the mechanics and the details of carrying it out?

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. ABERNETHY. Would this Commission be comparable to the Commission now that regulates or really fixes salaries of Members of Congress, the judiciary, and so forth?

Mr. UDALL. It would be quite comparable in its purpose. In fact, they would work together. This is part of the whole idea to have a rational construction of the federal systems.

Mr. ABERNETHY. Would it be the same Commission?

Mr. UDALL. It would be an entirely different commission.

Mr. ABERNETHY. How would this Commission be designated?

Mr. UDALL. The Commission would be designated as follows: There would be really seven votes on the Commission—four would be controlled by the President—and I say that to those who are saying that you are taking the President out of the picture. The four are appointed as follows: the Bureau of the Budget, the Postmaster General, the head of the Department of Defense, and the Civil Service Commission. These are four votes.

The other three votes are to the two largest postal union employees, so it is a half vote each. Then you have one for the classified union and then the independent Federal union representative is to be picked by the Civil Service Commission—and there you have seven votes.

Mr. ABERNETHY. Then the Commission will be quite different from the present congressional Commission but it will still be a salary determining commission.

Mr. UDALL. Oh, indeed.

Now that brings us to the second step. The employee unions were very afraid they were giving up what they thought to be the ultimate protection that they had.

Mr. ABERNETHY. Did the gentleman say there would be three union members on the Commission?

Mr. UDALL. Three out of seven.

They were most apprehensive that they were giving up their access to the Congress and felt that in the final analysis the Congress had to pull them out, when the present Postmaster General would not come up with a raise. We said, All right, if the Salary Commission does not carry it out—and that is the only question before the Salary Commission, to make proper petitions giving them comparability—then the employee unions can appeal to the Board of Arbitration and the Board of Arbitration has seven votes. Four of those votes are Members of Congress, two Members of the House and two Members of the Senate.

There is one Government representative selected by the Civil Service Commission—and one union representative and a chairman from the American Arbitration Society.

So these people, seven members of the Arbitration Board finally determine whether the Salary Commission is applying the policy that the Congress lays down.

Mr. ABERNETHY. If they do not like it, they would still be coming back? If they do not like the recommendations of the Commission, of course, you anticipate that they will still be back walking the halls, do you not?

Mr. UDALL. In any event, the findings of the Commission or the Board of Arbitration come back to the Congress for veto or for other action. In my opinion, based on 1968 and 1969 experience, I do not think so very much because this is exactly what we did in the last 2 years. They will not be back at all. They will accept this.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. GROSS. Did I understand the gentleman to say that congressional, executive, and judicial pay raises are dovetailed with this bill?

Mr. UDALL. Yes in a sense, that has been my aim, to get Congress out of this hassle.

As I pointed out, the Congress has already raised its salary eight times in 108 years and Congress never got around to this. So my judgment is that this is now rational, orderly, and regular review every 4 years, and the Congress approved this.

If you get a rational and orderly and annual adjustment of these other systems tied into it, then you have a whole pay system of the Federal Government dovetailed together. Then they will be working together on a rational and orderly basis. This has been my goal as my colleague knows, and I am sorry the gentleman does not share it.

Mr. GROSS. Then you favor this dovetailing of legislation?

Mr. UDALL. Indeed, it dovetails very nicely together and I hope the gentleman will help to put in order these joints so we can finally put this into place.

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. RUPPE. The gentleman will recall that 3 years ago the subcommittee did a great deal of work preparing a salary schedule level in line with the rate increase proposed by this and other subcommittees at the time.

I recognize the need to bring the two in order. I understand that this present legislation will cost about $500,000,000 in the next year. In the fiscal year now ending is there any revenue measure that will be brought along to achieve the same revenues we are quite anxious to reach? Does the gentleman think we are going to secure the necessary revenue in 2 years to cover the cost of this legislation?

Mr. UDALL. The President sent some days ago, my friend will recall, urging a rate increase on first-class mail which has been before our committee, and this bill by the President would produce

around $600,000,000 in additional revenue.

The distinguished gentleman from Montana chairs that subcommittee and has been holding hearings on that bill. I am prepared to face up to my responsibility on the question of postal reform and other things but I regret that we have not been able to be together on this bill.

It was a rather unprecedented thing. The gentleman was a very valuable member of that subcommittee and the committee. It was kind of unprecedented to combine a pay bill and a rate bill.

Mr. RUPPE. They were acted on very much in parallel at that time.

Mr. UDALL. There was very little enthusiasm for a marriage between these two bills at that time.

Mr. Chairman, I make this final point to those who are troubled, as some may be, about the delegation of authority, the abdication of congressional responsibility, and so on. If you feel badly about it, you might reflect that this is—in fact, the gentleman from Iowa stated in the Rules Committee, or someone up there, that it is unconstitutional. I said:

> There are $5 billion or $4 billion that is going to be paid out this year in the same unconstitutional fashion. There are 740,000 Federal employees who are paid under a system called "Wage Board."

In that Wage Board system the President plays no role. The Congress plays no role. I hear no complaints on those when adjustments have been made, and we have not had a chance to vote on them. The President did not know about them. This Wage Board has been in existence since the time of Ulysses S. Grant. For more than 100 years we have had the Wage Board. It has worked. It has been delegated with authority by Congress to determine how much carpenters are paid in the building industry, in order to pay Federal carpenters in the same way. That is what we are doing in this bill.

Mr. Chairman, I speak today in support of H.R. 13000, the Federal Salary Comparability Act of 1969.

For over 5 years I have been working toward this day. It has been my long-held belief that the employees of our Government deserved and needed a dependable, rational method of pay adjustments in order to plan their careers in the Federal Service. For too many years we have tried to hire and retain competent employees by saying to them, "give us the best years of your life in return for an unknown system of pay adjustments." In accordance with the best-accepted private enterprise policies, we are today going to pass an act that says to the Federal employee, "From now on you can be assured that each year your pay will be adjusted in line with any changes in private enterprise."

No longer will the almost 2 million employees covered by this bill have to sit back and hope or pray, that their salaries will be adjusted.

We in Congress began this process in 1967 by passing that historic pay bill which allowed the Executive, in partnership with the Congress, to automatically set pay in 1968 and 1969. During that debate, there were objections which raised a variety of ominous problems. During 1968 and 1969, those straw men were laid to rest. Now the members have seen how smoothly and efficiently that law worked. The employees of all branches of Government are satisfied with the principle established in that act.

Now we come before you with the natural extension of that act. Naturally, there are some changes—experience has shown us that certain structural modifications were necessary—but the principle remains the same. Congress must set the policy and establish the machinery for its smooth enactment. The Executive must administer that policy—not make it—and the Congress must continue the review and control of the policy.

In addition to this policy of congressional control, we will reinterate today the fundamental personnel policy of comparability. This policy simply says that Government workers doing the same work as their counterparts in private enterprise must be paid substantially the same amount of money. This policy was established in 1962, restated in 1967, and repeated again today in this act. A computer programer in the Department of Defense should get the same amount of money as a computer programer working for IBM, if they do the same kind of work.

These two fundamental policies—congressional review and comparability of pay—form the bedrock of the act we vote on today.

The act itself is fairly simple—it has two major parts—one affects all Federal workers, and the second adjusts the promotion policy concerning postal workers.

The major provision of this act concerning all Federal employees sets up a Federal Employees Salary Commission. This Commission is established to annually recommend to the Congress adjustments in the pay of employees under the general schedule, the postal field service, the Veterans' Administration, and the Foreign Service. This Commission is composed of a regular representative of the President from each of the following: Civil Service Commission, Bureau of the Budget, Defense Department, and Post Office Department. In addition, the employees are represented by four members as follows: one representative for general schedule employees, two representatives for postal employees, and one representative from independent unions on a rotating basis.

Each of the Presidential members will have one vote—a total of four—and the employee representatives will have three votes—(postal representatives will have one-half vote each. Thus, the Presidential members will have a majority of the Commission. This is a deliberate policy so that the President can make sure his personnel policy is carried out. At the same time, the employees will have representation so that the employees will have some voice in this policy of setting pay.

In addition to these eight regular members, there are three associate members. These associate members are selected by the Chairman of the Civil Service Commission and do not have a vote. They will be selected to present the views of the specialized employee groups, such as the Air Traffic Controllers or the Federal Professionals and will be rotated annually by the Civil Service Commission.

In the event that any regular member of the Commission feels that the congressional policy of comparability has not been carried out, this act provides for an appeals procedure.

The appeal is made to an Arbitration Board composed of four Members of Congress—two from the House and two from the Senate—one Presidential representative, one employee representative, and an impartial Chairman selected by the first six. This arbitration board will review the decisions of the Salary Commission and decide if the congressional policy has been carried out. If it has not, the board will make the necessary changes, and send the revised changes on to Congress for final approval. If it finds that the recommendations of the Commission are in accord with the principle of comparability, it will so certify to Congress—again for final approval.

This entire procedure is designed so that it should not take more than 60 to 90 days each year to adjust Federal salaries. This is in vivid contrast to the months and months it previously took under the old system.

This, then, is the historic and precedent-setting comparability system we vote on today. I believe it will become a landmark act in progressive personnel policymaking for Federal employees.

POSTAL PROMOTION POLICY

A second major provision of this act rectifies a longstanding and major problem facing postal employees, particularly clerks and letter carriers.

The Post Office Department has long complained of the difficulty in hiring, training, and retaining competent employees. All of the Members of the House have heard from their constituents on the deteriorating service in the post office. A primary cause of these problems lies in the fact that it takes over 21 years before a postal employee reaches the top step in his grade. This is similar to being a rookie after 20 years.

All available evidence indicates that the postal employee is stymied on two fronts in trying to get ahead in the Post Office Department:

First. There are not enough promotions to go around. For instance, only one employee in every 100 gets promoted to a different position each year in the post office. The average for all other Government agencies is one in four.

Second. The vast majority of postal employees thus remain in the same grade level throughout their career. It is in this grade level—usually grade 5—that the 20-plus years are spent.

This problem is resolved in the following manner: We reduce the 20 year problem to a maximum of 8 years. Thus, the new employee will know that he will make top grade in his pay by the eighth year rather than by the 20th.

Second, we begin this process by advancing the lower grade postal employees by two steps, effective October 1, 1969. This will provide an additional $412 per year. Add this to the average $298 per

year already allotted, and you have the postal employee getting a total of $59 for the months of October, November, and December of this year, up from $24.80 per month. This is in contrast to the average General Schedule employee who has been—since last July—and is currently receiving an additional $69 per month.

This problem has been a grievance that both management and the employees of the Post Office Department have been mentioning to our committee for some time. We believe that our solution should assist the Department in retaining and recruiting additional quality employees for the foreseeable future.

In addition to resolving this particular problem facing the postal employees, H.R. 13000 has three other sections.

These sections also resolve specific problems facing particular groups of employees serving in other branches of the Government. The first of these authorizes the payment of an allowance, not to exceed $10, to defray the cost of commuting to remote worksites. Many times an employee must travel to a remote worksite, perhaps to build or repair a facility, and presently must pay his own way from his normal work place. This bill will help defray part of this additional expense. This bill is identical to H.R. 12881, which passed the 90th Congress unanimously.

Another provision provides a living allowance for certain employes who work on floating plants operated by employees of the Corps of Engineers. This section is identical to H.R. 7406, which passed our committee in the 90th Congress.

The final special problem is one that affects various agents employed by the FBI, the Border Patrol, and others. It allows for them to be paid for regularly scheduled overtime, Sunday and holiday duty that is presently not received. This inequity is removed by this section and is supported by the administration.

All of these three miscellaneous provisions are estimated to cost less than $100,000 per annum.

Mr. Chairman, there have been a variety of objections raised to this legislation. Many of them are a rehashing of previous pay legislation. In order to alert my colleagues to these "straw men," I will outline and rebut some of them.

First. This act will bypass the President and take away from him his constitutional authority.

This is patently inaccurate. In 1967, the same opponents objected to that bill for precisely the opposite reason—we were giving the President too much power and taking it away from Congress. We now provide for more congressional review in this act and the same opponents now say, "Let the President keep his longstanding authority." Exactly what is the President losing? According to my reading of this act, he has four Presidential representatives on the Salary Commission, with the controlling votes. As is well known, the President does have something to do with appointing his Cabinet, the Director of the Bureau of the Budget, and the Chairman of the Civil Service Commission. In addition, he will be represented on the Arbitration Board.

Furthermore, Congress has delegated authority to set wages totaling $4.05 billion under the coordinated Wage Board system. The President does not have a personal representative sitting on those boards—he does have agency representatives, however. This act continues and expands on that same principle.

Second. This act places Congress in a meaningless and subordinate position.

Again, this is the same argument that has been used over and over again by the same opponents. This act strengthens and expands the congressional role in setting pay policy as compared to the 1967 act. This is the primary reason why the President opposes this act. The Chief Executive's idea of a good law is to give the President complete authority to set employee pay. I would be interested to know the viewpoints of the opponents of this bill to that proposal.

Let me quote the Deputy Director of the Bureau of the Budget on this matter of congressional versus Presidential control:

> Although the *Congress* would be given the opportunity for review of the commission's pay determinations and those of the board through procedures similar to those contained in the reorganization statute . . . the President would . . . have no authority or responsibility to deal with this vital executive function. We believe this would be highly objectionable and unwise.

My position is clear: I believe the President has ample representation on the Salary Commission and Board—much more than he has under the coordinated Wage Board system. Furthermore, Congress has additional mechanisms for review through the Appeals Board and the final vote. This is a balance that should be maintained and continued.

Third. This act is discriminatory against certain employees under the general schedule.

This allegation deals with the section revising the step-advancement policies within the postal service. This change in policy is to attack a particular problem unique to postal employees.

It is a fact that the vast majority of postal employees remain in the same grade throughout their careers. The same cannot be said of classified employees. Further, only one in 100 postal employees gets promoted out of his grade annually. The comparable figure for classified is one in four. Thus, the facts are completely different for these two groups of employees when it comes to in-step advancement. In-step advancement is simply not relevant for advancement in the classified service—the same cannot be said for postal employees.

Therefore, a different policy is called for and this bill makes that policy. We provide for a particular solution for a particular problem. This is exactly the same situation in sections 6, 7, and 8 of this bill where we provide particular solutions to particular problems for other employees concerning remote worksites, overtime pay, and hardship allowances. These provisions do not affect postal employees but no one claims discrimination in these cases.

As a direct result of this change in instep advancement policy, postal employees will receive an additional $412 per annum effective October 1, 1969. In July of this year, postal employees received an average of $298 per year raise. Classified employees received an average of $825 per year raise. Even when we add the $412 from the month of October onward, no one can believe that the classified employees under the general schedule will be shortchanged.

No representatives of the classified employees have ever said that the instep advancement policies have been a serious detriment to hiring and retaining personnel. The reverse is the truth—all available evidence indicates that the movement within the civil service is very good and the advancement opportunities ample. If a different position is taken and the case made for that position, I am sure the Post Office and Civil Service Committee will give sympathetic consideration to a proposal to alleviate such a situation. To this date, no such action has occured. It was for this reason that the allegations of unfairness toward general schedule employees was such a surprise to the members of the committee. It was assumed that we were alleviating a longstanding grievance that everyone agreed should be eliminated.

It must be clear to all Members that we cannot have a shotgun approach to solving personnel problems. We must solve specific problems with specific solutions. We cannot apply blanket solutions that do not apply to everyone. This is precisely what would occur if the instep advancement policies were changed for the entire civil service. We would be solving a problem that does not exist.

Fourth. We have also discriminated against middle- and top-level supervisors.

This is untrue. In committee we resolved the major problems in conjunction with representatives of the supervisor employees. I refer my colleagues to page 42, lines 1 to 20 of this bill. This section rectified any temporary inequities that might occur. Furthermore, if any such problems do develop, I have been told that they will not number more than a few hundred from the more than 735,000 postal employees. This is a minor problem indeed.

Fifth. It is alleged that irreguar committee procedures were followed in bringing this bill to the floor.

The identical complaint was lodged against this committee during debate in 1967. We find it repeated again. Let me just outline the procedures during which all kinds of testimony was heard, both pro and con, and during which time the opponents of this bill had an opportunity to be heard—and were in many cases.

On September 16, 17, 18, and 20, 1968, the Compensation Subcommittee heard testimony which was completely directed toward potential legislation during the 91st Congress.

Then, on June 16, 17, and 26, 1969, additional testimony was heard. This was continued on July 15, 16, 18, and 19, 1969. After 11 days of open, public hearings on this subject, the subcommittee reported the bill on July 22 to the full committee. This bill was before the members until August 7, at which time, by

a vote of 22 to 2, it was reported for floor action. I do not believe that this action is indicative of haste or unfair activity. It is a typical record for any responsible committee of this House and I am sure my colleagues are aware of the work done by our committee over the years. We produce good legislation, notwithstanding the views of opponents of this bill.

Sixth. It is alleged that this bill is unduly inflationary and should not be passed for that reason.

This question has been raised every time Congress prepares to raise the salary of the Federal employee. The Federal employee is always the first to feel the effect of the inflationary spiral and the last to get relief. We too often forget that these are human beings—with wives, children and the same costs of living as the rest of us. Further, the Federal employee does not cause inflation. The causes, whether governmental or private in nature, are due to the war in Vietnam, the current lack of wage-price guidelines and an infinite number of related actions. All this bill does is say, "If inflation occurs in the private economy, and its effects are measured in the wages paid in the private sector, then the Government employee should have wages affected in the same manner and to the same degree."

This bill says we should help the employee offset the ravages of inflation—it is the least we can do as the employer.

One additional point should be made clear on this issue: The administration witnesses indicated that they would be willing to have two additional salary increases during the next 2 years. Their suggestion was July of 1970 and then January of 1971 and each January thereafter. We are proposing the same thing in this bill, with one exception: The first increase would be in January 1970, rather than July, a change of 6 months. So there is no substantial departure from the administration's position on this matter.

I would hope that my colleagues would review this bill carefully—in doing so, they will see the great care and work that went into this bill and will ultimately support it.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. CORBETT).

(Mr. CORBETT asked and was given permission to revise and extend his remarks.)

Mr. CORBETT. Mr. Chairman, the bill which we are now considering is one that is of major importance and critical concern to all postal and other Federal employees. It is a real milestone in the long and often rough road we have had to travel here since 1945 in attempting to see that our Federal employees are paid decent salaries.

As one who has actively participated in every legislative pay raise effort for the past 25 years, I am very proud to be a cosponsor of this particular bill and I urge its prompt passage.

In brief, H.R. 13000 would accomplish two very important objectives which those of us who are charged with responsibility for Federal pay matters have long been trying to achieve.

First, the bill would set up a permanent system for adjusting the pay of all Federal employees, except those now covered by the so-called wage board system, in accordance with the principle of pay comparability which this Congress adopted in 1962.

Second, the measure would eliminate a very serious inequity in existing law which, in effect, requires a postal employee to serve an apprenticeship of 21 years before he can be paid the top pay for his work. The waiting period for receiving top pay is reduced in this bill to 8 years.

In addition, H.R. 13000 will give most postal employees a two-step pay increase effective this month to make up for their failure to receive an adequate adjustment last July when other Federal employees received far more, on the average, than the 4 percent which was given to postal workers.

Mr. Chairman, the problem of devising some type of permanent system for setting the pay scales for our large Federal workforce in a responsible, rational, and orderly manner is one that has concerned me and the members of our committee for many years.

For all practical purposes, all pay raises since the end of World War II until 1967 were awarded as separate acts of Congress on a "shotgun" type approach and most often only after long, bitter fights.

The first significant milestone was reached in 1962 when Congress adopted the very sound principle that the pay rates for Federal employees should be comparable to the pay rates of employees in private industry for the same types and levels of work.

However, it was really not until 5 years later—in our act of 1967—that we made a significant start in implementing this principle.

The Federal Salary Act of that year provided for a three-phase pay raise what was intended to bring Federal employees automatically closer to full comparability by July 1 of this year. Nevertheless, because of the timelag in gathering and assessing the pay statistics, Federal employees are still more than a year behind in achieving full current comparability.

The 1967 act set an extremely good precedent. It also proved that an orderly system for adjusting Federal salaries automatically and without excessive congressional involvement was not only workable but a much more preferred system.

In essence then, the establishment in H.R. 13000 of the Federal Employees' Salary Commission is a result of the successful operation of the Federal Salary Act of 1967 and H.R. 13000 also embodies most of the principles laid down in that act.

Mr. Chairman, I should like to emphasize that what we are attempting to do with this legislation is to keep the pay of Federal employees on the same level as the pay of employees in private industry. This is not a big giveaway in which Federal employees are being singled out for some type of preferred treatment. H.R. 13000 only establishes the machinery that will permit Federal workers to catch up and stay caught up with their counterparts in the private economy.

I recognize, Mr. Chairman, that some Members have valid questions with respect to the mechanics involved in the operation of the Salary Commission and the Board of Arbitration. However, I believe that we should proceed as the bill is now written and, after a reasonable trial period of operation, if improvements and refinements are deemed to be in order, I am confident that our committee will promptly initiate them.

I would urge then that we enact this bill since it will go far in solving one of the most vexing problems that has consistently faced our committee and the Congress.

Mr. BRASCO. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I am happy to yield to the gentleman from New York.

(Mr. BRASCO asked and was given permission to revise and extend his remarks.)

Mr. BRASCO. Mr. Chairman, I strongly endorse H.R. 13000 and urge my colleagues to give this important piece of legislation their wholehearted support.

In 1962, the Congress enacted a landmark pay bill which established the principle that Federal employees should receive salaries comparable to their counterparts in private industry. It would be difficult to see how anyone could disagree with this sound policy because, to me, it is axiomatic that if we are to have good, efficient Government agencies we must provide adequate incentive to attract the best employees.

Unfortunately, in the years which followed, the principle of comparabilty was honored more in the breach than in the observance. It became clear to us that we must devise some system of pay setting which was isolated from the day-to-day exigencies of political maneuvering.

While it is incumbent upon us in Congress to establish basic pay-fixing policies, we are not well suited to the administrative task of determining and fixing pay schedules.

In 1967, we established a semiautomatic pay-fixing mechanism designed to bring Federal salaries up to comparability by this year. With a few exceptions, we were successful. However, we are now again faced with the prospect of exhausting and time-consuming annual fights over pay bills. It is my opinion that these annual fights are of no real benefit to Congress, the Federal employee, or the taxpayer.

Therefore, I am very enthusiastic about the approach contained in H.R. 13000. For the first time, we are presented with an opportunity to provide a mechanism for the automatic adjustment of Federal pay schedules.

The bill is carefully drafted to protect both the interests of the taxpayer and of the Federal employee. The Salary Commission established by the bill will consist of representatives from the administration and employee organizations. If any member of the Commission representing employee organizations disagrees with the findings, that member may refer the disagreement to a Board of Arbitra-

tion consisting of Members of Congress, and representatives from employee organizations, the Civil Service Commission, and the American Arbitration Association.

Congress will maintain ultimate control by retaining the right to veto recommendations of the Commission or Board within 30 days after the proposed salary rates are submitted.

There is another important aspect of this bill, Mr. Chairman. When the final adjustment of the three-step increase was announced earlier this year, postal employees were left out in the cold. Through the outdated process of the construction of pay schedules, postal employees were shortchanged by as much as $800 a year. We all know that an emergency situation exists in the postal field service. Part of this emergency exists because of the low pay received by letter carriers and clerks, as well as other employees in the middle and lower levels of the postal service. This bill, therefore, provides emergency relief to those employees who were discriminated against in the last pay raise by providing that all postal employees in levels 1 through 11 be advanced by two pay steps. Simple equity demands that this be done.

The bill will also reduce the amount of time it takes for a postal employee to rise to his top salary step. This provision is necessary in view of the extremely limited promotional opportunities in the postal field service, where some 80 percent of the employees retire in the same level they entered.

Taken as a whole, Mr. Chairman, this bill represents a tremendous step forward in Federal pay-fixing policies. I am proud that I had a part in developing this legislation, and its passage will be a proud moment in the history of congressional concern for the dedicated employees of the Federal Government.

Mr. CORBETT. Mr. Chairman, I yield whatever time he requires to the gentleman from Iowa (Mr. GROSS).

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, the gentleman from Arizona (Mr. UDALL) never spoke truer words when he said that this may be the last bill of this nature on which you will vote because the committee has written into this bill the same formula for voting on pay increases that were contained in the congressional, executive, and judicial pay bill. I do not need to remind any of you of the fate of those of us who attempted to obtain a vote on that bill earlier this year—in February to be more specific. We were defeated at every turn in our efforts to get a record vote in the House on that salary grab.

Mr. Chairman, I rise to oppose the enactment of H.R. 13000, which, by any objective standard, defies fiscal integrity and administrative commonsense. I point out to you in passing that if this bill is enacted, it will be the ninth pay raise for postal employees in 7 years.

The views that I express are detailed in the minority statement which accompanies the report on this bill. I take this time only to reemphasize features of the legislation which I feel are especially offensive. The principle of pay comparability for Federal employees was established by the Congress in 1962. It is reasonable that employees of the Federal Government be paid salaries comparable to their working counterparts in private industry. In addition to stating this policy and incorporating it into law, the 1962 statute also provides for annual review of rates of pay in private industry to determine whether Federal employees remain on a comparable level and it instructs the President to make such recommendations for the revision of statutory pay schedules as he deems advisable. Now, for all practicable purposes, the President is to be written out and made a nonentity in this matter.

Since enactment of the 1962 law, there have been seven salary adjustments, all of them upward, for Federal employees. The final adjustment in July 1969, placed Federal workers at full comparability in keeping with the Bureau of Labor Statistics figures then available.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, the gentleman from Iowa chided me earlier just a little bit and I wanted to return the compliment. In the 1967 bill we gave to the President the power to make these computations in 1967 and 1968. I was quite moved by the words of the gentleman from Iowa in that debate here in this Chamber just 2 years ago. The gentleman said in that debate:

> The committee would have Congress completely abdicate its obligations and responsibilities in the field of Federal salaries and it would, in effect, be giving the President a postdated blank check to be cashed in the future in any amount. In view of what has happened here lately, we cannot afford the luxury of such irresponsibility.

Today the gentleman says we are cutting the President out of this.

I wonder if the gentleman would comment on this seeming inconsistency.

Mr. GROSS. Mr. Chairman, I do not see any inconsistency at all. How many years ago was that?

Mr. UDALL. This was in 1967, in which bill we gave the President the power to fix the 1968 and 1969 pay raises, and the gentleman thought that was an outrageous thing. Now the gentleman says we are taking the President out of it entirely.

Mr. GROSS. I do not think I voted for the bill.

Mr. UDALL. The gentleman did not vote for it.

Mr. GROSS. I do not see anything inconsistent in my position.

Mr. Chairman, the bill we have before us carries the principle of comparability one step further. It is an important step which I urge all of my colleagues to consider. While the legislation restates in substantial form the present policy of pay comparability, it also states that it shall be the policy of Congress that "rates of pay shall be adjusted annually."

This departure from the policy of pay comparability is one which I regard as tremendously important and one which we should carefully examine.

Under the language of this legislation, should it be enacted, the pay of each Federal employee in the four statutory pay systems would be adjusted each and every January 1, from this day forward. I might add that, while the "adjustment" can conceivably be downward, I choose to regard it as a euphemism for an annual salary increase.

The fact of the matter is, that under current law, each employee in the first three grades of the General Schedule receives an annual step increase in pay providing his service is satisfactory. And, under postal law, employees in the first six levels of the Postal Field Service also receive an annual step increase, also based on satisfactory service.

Why, then, is it necessary to destroy this incentive step advancement by replacing it with an automatic round of pay advancement each and every January 1?

Mr. Chairman, I call attention to other provisions of this legislation which recommend its defeat.

It denies the President any authority or responsibility in Federal employees' pay determinations. Under this bill, the Chief Executive would be powerless to deal with this vital executive function. The final recommendations of the Federal Employee Commission or the Board of Arbitration under this bill become effective without the President's recommendation and without regard to the national priorities established through his annual budget.

I do not subscribe to the proposition, advanced by the chairman of the Subcommittee on Compensation, that pay increases for Federal employees should be as "automatic as the payment of interest on the national debt." To suggest this analogy shows an unfortunate disregard for the role of the President, who is the head of the Federal Establishment and is responsible for managing the national debt and curbing inflation.

This legislation places the Congress in a subordinate and almost meaningless role in governing the tremendous expenditures required for Federal salary adjustments. The current annual expenditure for civilian and military payrolls is $42 billion. This legislation will add to that figure in untold amounts, for even its proponents cannot foresee what the additional cost in January 1970 will be, and every January thereafter.

It is argued, Mr. Chairman, that under this bill the Congress has the final say on pay adjustments. I submit that the provisions which relate to congressional disapproval of salary increases are a sad rehash of the same scheme under which the salaries of Members of Congress can be increased without any opportunity for a congressional vote.

The pending bill provides for the submission of proposed salary adjustments to the Congress on February 1 of each year, and then gives either House 30 days in which to adopt a resolution or disapproval. In the opening days of a new Congress, the House committee having jurisdiction of such a resolution might not even be organized within this time period and, therefore, could not even consider a resolution—as we all learned when the recommendations of the Commission on Executive, Legislative, and

Judicial Salaries were submitted early this year to the 91st Congress.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to my colleague from Virginia.

Mr. SCOTT. As I understood the gentleman, he said this recommendation would come to the Congress on February 1. I call his attention to the statement that it is not later than February 1, and ask if it is his understanding that it could be submitted earlier than February 1?

As I look at page 32 of the bill I see the language:

Not later than February 1, 1970, and subsequent reports pursuant to such paragraph (5) not later than February 1 of each year thereafter.

The CHAIRMAN. The time yielded by the gentleman from Iowa has expired.

Mr. GROSS. Mr. Chairman, I yield myself 2 additional minutes.

Mr. SCOTT. I submit this could be submitted on January 1, and then we would have 30 days in which to veto the proposal. That makes it even worse than the gentleman just said.

Mr. GROSS. Yes. Under the terms of the language the gentleman cited that is so. I take it, however, that we would expect some time to be consumed in January in the preparation of the recommendations. But the whole ball of wax might be put together before January 1 and announced immediately thereafter. It is entirely possible.

Mr. Chairman, by authorizing windfall pay increases retroactive to the first of January of each year, this legislation will require annual supplemental appropriations of hundreds of millions of dollars and will adversely affect any annual budget of the President.

I call attention to the fact that in only one bill, the congressional housekeeping bill, among those that have been passed by the House thus far in this session, has there been any provision for the salary increases. Not one other appropriation bill has included the salary increases that went into effect the first of this year, and thereafter.

Mr. Chairman, this legislation is so defective and poorly conceived that I will not reiterate all of the comments which the gentleman from Illinois (Mr. DERWINSKI) and I have set forth in our minority views, as part of the committee report.

I would emphasize that on July 23, 1969, the Civil Service Commission expressed firm opposition to the enactment of this legislation citing some of the reasons which I have already stated. The Bureau of the Budget furnished similar views at the same time.

I would hope, Mr. Chairman, that the House would reject this legislation. Should it be approved by both Houses and sent to the President, he would, in my estimation, have more than sufficient reasons for exercising his veto powers.

Mr. UDALL. Mr. Chairman, I yield such time as he may desire to the gentleman from Montana (Mr. OLSEN).

(Mr. OLSEN asked and was given permission to revise and extend his remarks.)

Mr. OLSEN. Mr. Chairman, I think this is probably the most practical pay bill that has been presented to the Congress. I recollect with our subcommittee chairman, the gentleman from Arizona (Mr. UDALL), that great objection was made that the President was setting the salaries for people in the 1967 Pay Act. I can understand that that had to be done in 1967, but we were talking about higher salaries then than the comparability salaries here. We were talking about the rank and file of the Federal employees as well as the Congress there, but in that instance of the Congress we felt that the President should be the one to make the recommendation on our pay. In this instance, however, in this bill, the pay of the letter carriers and postal clerks and other employees in the Post Office Department and the classified workers in the general service can be a much more mechanical thing. There is nothing so urgent about whether the date should be February 1 when the decision must be made. However, I think that is convenient enough, because the mechanics are that the Bureau of Labor Statistics sends these proposals to this Commission and it must be done by January 1. It can easily be done. The Bureau of Labor Statistics is working every day at the proposition of what the pay should be in these classifications. The Commission can only meet for a very few days in January to determine that they will adopt the mechanical findings of the Bureau of Labor Statistics. Now, the real quality of this system is that it is absolutely mechanical and has been every year. It has all of the emotion taken out of it where there is a really big increase. Our big fault in the Congress is we have delayed pay raises for such lengthy periods that the increase becomes big and it becomes so big that it becomes a big political issue and a very hot one. What we want to do is make it a very logical thing if we are being truthful with our employees, and I hope we are. If we are really being truthful with our employees, we are telling them that they will be paid comparably to private enterprise.

That being so, we should engage the mechanical facilities of the Bureau of Labor Statistics to do this. I do not find that far removed from the very system we have in the Committee on Public Works. In that committee when we talk about highways, do we talk about the thickness of the concrete? No. Do we talk about the width of the highways? No. The mechanical thing about what we appropriate for the highways of America is decided by the Department of Transportation. We do not go into these details in the Congress. I think we ought to make the salaries of Federal employees just as remote, that is, that they be dependent upon the Bureau of Labor Statistics findings and that we say and do today exactly what we have said for at least 6 years in my time here; namely, that we are going to compete at comparable salaries for employees in the Federal Establishment with those in the private establishment.

Now, Mr. Chairman, there has been some conversation about revenue, the revenue particularly in the Post Office Department.

I want to advise this House that we proceed as much and as often as we can with the postal rate recommendations of President Nixon. I want you to know that I am there but on occasion I do not get a second Member. When I do not have a second member at committee hearings, I adjourn the hearing. Now, when there are two people at the hearing, we shall proceed and we will have a Revenue Act. This is a message to the Postmaster General as well as to my colleagues here. All we have to have is two people at postal rate hearings and we will proceed and we will clean it up rapidly and then we will proceed to a mark-up of the bill, depending upon the question of a quorum in that subcommittee.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. Certainly I yield to the gentleman from Illinois.

Mr. DERWINSKI. Perhaps the gentleman would agree with me that what he should do is recommit this bill back to the committee and cooperate with the gentleman so that his Rate Subcommittee will move a rate package that will at least partially defray the cost of this bill.

If that was the gentleman's suggestion, I would be glad to join him in that sort of maneuver.

Mr. OLSEN. That is a very rank suggestion, because we have had meetings now since June on this question of revenue and there is not any enthusiasm on your side of the aisle for that revenue increase. When you get some enthusiasm over there, we will continue to meet and we will pass a bill. But you have got to get some enthusiasm generated on your side of the aisle.

Mr. DERWINSKI. We have had enthusiasm.

Mr. OLSEN. It has not reflected itself in the attendance at the hearings.

Mr. DERWINSKI. If the gentleman will permit me to compliment him on one other point he made, the gentleman pointed out the need for comparability with private enterprise. We are trying to do this with the postal corporation concept. We have been heartbroken that we have not been able to reach this wonderful goal in the House committee.

If the gentleman would have cooperated we could have had that enacted a long time ago.

Mr. OLSEN. I think that through Postmaster General Blount's proposed corporation it would defeat the best interest of the employees in the manner of pay for the postal employees. Over the years there has always been opposition to an increase in pay and improvements in working conditions of the postal employees. It is only because the Post Office and Civil Service Committee has voted for the employees that we have as good Post Office Department as we have right now.

Mr. WALDIE. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I am happy to yield to the gentleman from California.

Mr. WALDIE. Mr. Chairman, I want to comment that to the extent that there is generated enthusiasm on the other side of the aisle for a postal rate in-

crease, you will have to offset that in terms of this one Member.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield further?

Mr. OLSEN. Yes, I yield further to the gentleman from Illinois.

Mr. DERWINSKI. I have asked the gentleman to yield for one polite observation.

Mr. OLSEN. Certainly.

Mr. DERWINSKI. I wish to help the gentleman clear up today's RECORD. I hope the gentleman was not inferring when he said that no officials of the post office Department had ever been interested in this matter, that he was not casting aspersions at outstanding men such as former Postmaster General's O'Brien, Grounouski, and others who have served in that capacity?

Mr. OLSEN. No; I included them. They opposed all improvements, too. It was only the committee and the Congress of the United States that came to the rescue of the postal employees and the others by way of across-the-board increases for them and the classified employees of this Government.

Mr. GROSS. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia (Mr. SCOTT).

(Mr. SCOTT asked and was given permission to revise and extend his remarks.)

Mr. SCOTT. Mr. Chairman, I find myself in somewhat of a dilemma over this bill because I do not wish to vote against any salary bill for Government employees. Yet, I do not think, in its present form, this is a good bill.

We have a recommendation against the bill from the Bureau of the Budget, from the Post Office Department, from the Civil Service Commission, and I have discussed the matter with the president of one of our big unions, and he feels that Government employees, other than postal workers are being discriminated against in this bill, as I do. And yet I hate to oppose any salary bill as far as Government employees are concerned. Therefore, it does constitute a dilemma.

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Montana.

Mr. OLSEN. Mr. Chairman, I might say to the gentleman from Virginia that not very long ago I spoke to the head of the American Federation of Government Employees, and he told me that I could quote him as saying that he is not supporting and does not advocate a single amendment to Mr. UDALL's bill.

Mr. SCOTT. It is my understanding that you are talking about John Griner, and that John Griner told you he favored the postal employees getting a pay increase, but not the classified workers; is that right?

Mr. OLSEN. I am telling you just exactly what he said to me. He said he was not opposing and was not proposing a single amendment.

Mr. SCOTT. Obviously he is not proposing any amendment, he is not a Member of this body, he does not have any authority to propose amendments.

Mr. OLSEN. Let me put it in the absolute context in which he gave it to me: He wanted me to know that he did not ask anybody to put in an amendment, and that he was not lobbying for an amendment, and that he was not in any way going to lobby for the support of an amendment to Mr. UDALL's bill.

Mr. SCOTT. Mr. Chairman, I thank the gentleman.

Mr. Chairman, this bill includes the establishment of a Salary Commission. Under the bill the Salary Commission reports to the Congress not later than February 1, 1970. It could be that its report would be submitted as early as January 1, and its recommendations as to salary adjustments become effective as of the first of the year, or earlier. Adjustments can be made retroactive if the Commission in its discretion decides to do this. And they become effective unless vetoed by one or the other of the bodies of Congress.

Mr. Chairman, we do not work that fast, especially on the odd years, when we are attempting to organize the Congress. It is my recollection that this year the House Committee on Post Office and Civil Service did not hold any meetings, prior to February 20 when an organizational meeting was held.

If the same situation should exist 2 years from now, and a report be submitted as of the middle of January, we would not have met by the time that the 30 days provided in the bill within which we could veto the proposal.

Now, any raises that might be authorized under this bill, any raises that the Commission might recommend, would not be budgeted, because the budget is prepared prior to the beginning of the calendar year.

We are talking about more than 2 million civilian Federal employees. We know that the law provides that the military shall have pay increases when the civilian employees are increased. We have 3.4 million military employees. So we are talking about adjustment of salaries of 5.4 million people without any amount being budgeted, and this would be done each year.

It seems to me that this Congress over the years has delegated too many functions to the executive branch of Government. It seems to me that we should retain our authority over the budget and over the appropriation process, to permit a commission to establish salaries that effect 5.4 million employees, civilian employees as provided in this bill, and military personnel because of other legislative acts without the Congress acting upon it just appears to me to be unwise.

Mr. Chairman, this bill provides for increases in pay for postal workers over and above what might be recommended effective the first of each year for all Government employees.

Let us just look back for a minute at the postal workers. Actually, they have not done badly.

They received a 6-percent pay increase on October 1, 1967; a 5-percent increase on July 1, 1968; a 4.7-percent increase on July 1 of this year. Under the bill, they would receive a two-step increase on October 1 of this year. It would be retroactive back until October 1. They would receive any increase provided by the Commission as of January 1, 1970, and accelerated within-grade raise as of July 1, 1970. In other words, the time for the step-within-grade raise would be reduced from 1 to 3 years, to 26 weeks or half a year or to 52 weeks or 1 full year.

Mr. Chairman, I am considering two amendments to this bill.

One amendment would be to provide that the report of the Commission shall be recommendations only and not binding upon the Congress and would not have the force of law until the recommendations went through the regular legislative process.

I think it is a fine thing to have a commission which will advise the Congress, but I do not want to see the Congress delegate its authority over Government salaries, over the budget and over the appropriations. This is a legitimate function of the Congress which I feel should be retained. In my opinion it is in the interest of the people of the country. I believe it is in the interest of the Government employees for them to be able to come to us, their Congressmen, to present us their views and then have us be responsible to them and to the people who sent us here to the Congress to represent them.

The second amendment which I am hesitant to offer would delete the provisions for postal pay raises. I feel that all Government employees should be treated in the same manner.

I had considered offering an amendment to give the same increase provided for postal workers to the classified workers, to medical personnel in the Veterans' Administration and Foreign Service employees. But this would not be fiscally responsible. It would involve too much money going out of the Treasury and could not be justified to the public. If it is not fair to give it to all Government employees—additional pay increases—then in my opinion it is not fair to give these extra increases to the postal workers.

I shall speak briefly when the amendments are offered, but gentlemen let us be fair to all Government employees and fair to the taxpayers when we are considering this legislation.

Mr. UDALL. Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, I rise in support of H.R. 13000, the Federal Salary Comparability Act of 1969.

As a member of the Committee on Post Office and Civil Service in the 89th Congress, I was privileged to be in the vanguard of the fight to bring full comparability to our loyal Federal workers across the country. The Federal Salary Act of 1967, which projected the principle of comparability for a limited period into the future and provided for automatic pay adjustments in 1968 and 1969, was a direct result of that early effort to bring Federal employees' salaries in line with private industry pay rates.

Experience has clearly demonstrated, however, that comparability is not a static goal, which, once achieved, may be forgotten. Whether we accept the fact or not, ours is a dynamic and growing economy. This means that the workers in

private industry will share, along with management, the increased fruits of their labors as time lapses. To keep our Federal employees abreast of their counterparts in the private sector, we must institute a program whereby full comparability will be a continuing objective.

H.R. 13000 provides for just such a program. Through an 11-member Federal Employee Salary Commission, Federal employees who come under the four statutory pay schedules, general, postal, foreign service, and physicians, dentists and nurses hired by the Veterans' Administration, would have their pay rates adjusted as necessary under a permanent method. The Commission would be empowered to make salary comparisons, determine salary schedules and submit them to Congress. A proposed salary adjustment plan would be submitted to Congress on February 1 of each year, and the House and Senate would have 30 days in which to reject or revise it. If Congress does not act, the plan would become effective without further action after the 30-day period expires.

The proposed Commission would be composed of representatives from the executive branch and from Federal employee organizations. In the event of disagreement over any Commission decision on the adjustment of the rates of Federal employees' pay, a seven member Board of Arbitration, made up of two House Members and two Senate Members and representatives from the executive branch and employee organizations, would review the disputed decision. The decision of this arbitration board would be final and binding.

Mr. Chairman, the legislation we are considering is also designed, in a sense, to accomplish comparability within the Federal service. It would provide for the acceleration of step increases for postal workers. If the Post Office Department is to meet the increasingly heavy demands placed upon it, something must be done, and soon, to halt the alarming separation rate that has plagued the Department. Although the reasons for the 1967–68 separation rate of 45 percent for postal workers may be many and varied, the low level of pay and the discouraging system of advancement probably is the principal reason for the high turn-over rate. It now takes a postal worker 12 steps and over 21 years before he finally reaches the top pay level for his grade. After he gets there, the postal worker has little to make him happy, for the Bureau of Labor Statistics will tell him that he is earning about $1,900 less than the minimum standard for a moderate standard of living.

H.R. 13000 would permit a postal employee to move up to the top of the pay schedule in 8 years. It would also provide a pay increase, effective October 1, 1969, by advancing every postal worker below grade PFS–12 two steps. Higher level employees—PFS–12 and above—will be given earned step advancement on July 1, 1970, as their first step in the acceleration program.

It is for this equity, if none other, which H.R. 13000 will accomplish that this bill deserves our support.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of the pending legislation. I associate myself with the remarks made by my colleague from Virginia (Mr. SCOTT) in that I, too, regret that we seem to have discriminated somewhat in this legislation insofar as the classified employees are concerned. But I do not begrudge the additional pay raise that is being granted for the postal employees. In fact, they need help. They are most deserving, and I commend them, and particularly their efficient organizations for the effective work they have done in bringing this matter to the attention of the Congress, in order for us to perform the work that we have been able to do so far.

I do hope, however, that in due course we can perfect this legislation, particularly when this Commission meets, as soon as it meets, in order to correct the inequities which already exist in the classified schedule, particularly those in the lower grades, 1, 2, and 3, that did not receive a proper increase the last two times around.

Mr. Chairman, the main objection to this legislation—in fact, the only real objection to the legislation—is that of cost.

Of course we have some objection so far as the distribution of the benefits, but the real problem concerning the legislation is the cost itself. The cost of government obviously is of concern to all of us—or it should be of concern. The dangers to our economy are real. We do not need to be reminded of the problems of inflation, high interest rates, tight money, and high taxes. We have been debating those problems for many months.

But, Mr. Chairman, the legislation we have before us is not the type of legislation that created these problems. This bill is a result of these economic problems. In fact, the problems of inflation and high cost of living have necessitated the legislation which we have before us.

Mr. Chairman, we can liken ourselves to the managers of any business, and we are managers of a big business. The Government is the biggest business we have. We are playing the role of personnel managers, and we have the responsibility and the problem of competing with other businesses, or private industry, insofar as employees are concerned and of obtaining efficiency and adequate qualifications in employees. We cannot compete properly with low wages. Any successful businessman can tell us that. We have to compete for the efficient and more qualified employees, and we cannot do it at bargain-basement prices for those employees.

The Congress has recognized this many years ago. We have stated it in leigslation many years ago. In fact, in 1967 in the pay act of that year, we directed the executive branch to come up with pay scales that would be comparable with those in private industry.

So, Mr. Chairman, if we want to cut costs, and I think all of us recognize that is a problem of Government, the way to do it is to cut personnel, to cut out the agency, or reduce the number of Government programs, or do not create the new agency and new programs to start with. Every time we vote for a new program, we cause new employees to be hired, we cause new costs to be involved. If we want to economize after creating those programs, after we vote for new agencies, we cannot then do it by holding down the proper wages and salaries of the employees, by paying so-called sweatshop wages. To me, Mr. Chairman, this would be simply pennywise and pound foolish.

We have had this same argument over and over again every time a pay raise proposal has come up. We have had our colleagues in all sincerity saying that we cannot afford the increase, that we should vote down the bill, or that we should cut it down. This has happened several times during my years as a Member of this body. Yet I wonder what would have happened if the wishes of the opponents of such legislation in the past had prevailed. I think there is no question but that we would have had real chaos so far as the personnel structure of our Federal Government is concerned.

Mr. Chairman, if we can help many people in this country who are unemployed, and many of whom are not willing to work, then, certainly, we can afford decent wages for the employees of our Government who are willing to get out of bed and go to work in the morning.

Mr. Chairman, I think it is deplorable that in our postal service we would permit a person after working 21 years to receive a salary that is $1,864 less than what is considered a minimum standard of living. According to the committee report, a father of a family of four after 21 years of service could not afford a new suit of clothes once every 4 years. An employee after 4 years of service would receive only $111 more than what is considered a low standard of living.

I submit, Mr. Chairman, the American people are willing to pay a proper wage and salary for employees. They can well afford it. I am in complete agreement with the gentleman from Illinois that insofar as postal salaries, the users of the postal service should be willing to pay. I would hope the committee will report out a bill sufficient to raise the rates so as to pay for the cost of this pay increase. If we want to economize and we want to cut Federal costs, I suggest we do so in many other places, but not in the standard of living and the living conditions of our Federal employees.

Mr. GROSS. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. PELLY).

(Mr. PELLY asked and was given permission to revise and extend his remarks.)

Mr. PELLY. Mr. Chairman, again the House must consider legislation, part of which I find fully justified, meaning the increase in pay for Federal workers, but part of which I strongly oppose, such as establishing a Commission to adjust salaries of certain Federal employees on the basis of comparability with private industry.

Mr. Chairman, I think previous speakers have fully justified the need for a pay increase in line with the cost of living and in line with comparable industry salaries, so I will not address my remarks to this.

On the other hand, as I did on a previous occasion in 1967, I must express my strong opposition to having Congress abrogate its constitutional responsibilities on Federal pay rates.

In 1967 I voted to recommit the bill because of the Commission to set congressional salaries, and in due course what I feared whould happen did indeed occur. Members received a substantial pay increase without going on record as to how they voted, which would have been the proper way to have acted.

Therefore, Mr. Chairman, when an amendment is offered to strike the Commission portion of the bill, I shall support the move. However, if such an amendment does not prevail, I shall support any move to recommit the bill to induce the committee to come back without such a provision for a salary commission.

Frankly, Mr. Chairman, I do not think the President of the United States will approve of this legislation with such a commission included in it. In no uncertain terms he has indicated his opposition.

As I say I will vote for recommital, but if that motion does not prevail, I will vote for final passage of the bill as necessary to sustain the livelihood of our Federal workers, but I shall remain opposed to the proposed Commission. In addition, Mr. Chairman, if the President vetoes the bill on this one provision, I shall vote to sustain his veto.

Mr. GROSS. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. HOGAN).

(Mr. HOGAN asked and was given permission to revise and extend his remarks.)

Mr. HOGAN. Mr. Chairman, I should like to associate myself with the remarks of my colleagues from Virginia (Mr. BROYHILL and Mr. SCOTT).

I believe it is extremely unfortunate that the other classified Federal employees are not included in this pay raise. I hope that, if an amendment is not carried today to effect that result, Congress will promptly correct this inequity.

I share the concern expressed about inflation. I agree also that Government spending is one of the chief causes of inflation. But it sems to me to be grossly unfair that Federal employees be called upon time after time to bear the brunt of inflation without relief while no one else does.

I am a stanch advocate of reduced Government spending, but I believe it is unfair for Federal workers to be called upon to make sacrifices when no other segment of the economy is.

Mr. Chairman, I am pleased to be a cosponsor of this bill and a member of the subcommittee headed by Mr. UDALL, I support H.R. 13000 because I consider it a major milestone in civil service legislation.

Just a few weeks ago, this body overwhelmingly approved the civil service retirement bill, H.R. 9825—of which I was also a cosponsor—to assure a decent retirement income to career civil servants. After telling these Government workers that we think they are valuable, dedicated, and deserving of these retirement provisions which will assure them a decent income after retiring, it would be sadly ironic if we were now to turn around and reject H.R. 13000, in effect, saying we do not think they are deserving of assurances of a decent wage during their period of active service to the Government.

I support all of the provisions of the bill before us, including the immediate pay raise to most postal workers; reduction of the period postal workers must wait for within-grade increases, permitting them to receive maximum pay in their grade in 8 years instead of 21; premium pay for certain employees for Sunday, night holiday, and overtime hours; $10 a day allowance for employees commuting to remote worksites; and an allowance to Corps of Engineers employees who are prevented from carrying on their operations by circumstances beyond their control.

However, I am particularly proud of the features of this bill which provide for a permanent method of pay adjustment which will assure all Government employees a fair and just wage, in line with their counterparts in private industry and taking into consideration inflationary trends.

As a member of the Subcommittee on Compensation, I have had an opportunity to hear firsthand the details of numerous arguments in favor of the annual review and adjustment of pay rates for Federal employees, as well as alternative recommendations for the implementation of such a program. The results of the subcommittee's assessments and those of the full committee of these recommendations are in the bill before you.

Briefly, an established Salary Commission and a Board of Arbitration would perform the functions relating to the establishment of pay comparability which are now performed by the Bureau of the Budget and the Civil Service Commission.

The Salary Commission, whose members will be designated by the administration and employee organizations, would be responsible for prescribing the scope of the comparability survey to be conducted annually by the Bureau of Labor Statistics, and on the basis of that survey, would recommend exact rates of pay for each of the several salary schedules.

The Board of Arbitration, comprised of Members of Congress, representatives from employee organizations, and the Civil Service Commission, with a member of the American Arbitrary Association as chairman, would review the Commission's recommendations as well as any disagreeing views, and make the final decision on the rates of pay to be recommended for the particular year involved.

The rates recommended by the Commission and the Board would be reported to the Congress, and will go into effect automatically in January of each year unless vetoed by the Congress.

On behalf of all U.S. Government employees, I urge your favorable vote on H.R. 13000.

Mr. UDALL. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. DANIELS).

(Mr. DANIELS of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of H.R. 13000, the Federal Salary Comparability Act of 1969. I wish to associate myself with the distinguished gentleman from Arizona, the chairman of the Subcommittee on Compensation and the floor manager of this bill. He did a very outstanding job. He explained in detail and with much clarity the most important parts of this bill. Anything I might say in addition thereto would be superfluous.

This legislation will, once and for all, provide the method by which Federal employees will receive salaries comparable to salaries in private industry; thereby satisfying the promised pay policy of 1962 and 1967 of equal pay for equal work.

Although the policy was set in the Pay Act of 1962, it was not until the Landmark Act of 1967 that a precedent was set for a system to establish true comparability.

However, it was apparent from the testimony presented to the committee during hearings this year that three major problems existed under the 1967 method of ascertaining private industry salaries. The time lag between the time that the Bureau of Labor Statistics survey was taken and the reflection in salary was approximately an 18-month lag. The second complaint was bias that was built into the survey by the Civil Service Commission and the Bureau of Labor Statistics by not properly comparing equal positions in the Federal Government with those in the private sector. Finally, one of the greatest inequities that has ever plagued a Federal employee is the inability of the postal employee—letter carriers and clerks—to advance in his profession.

Mr. Chairman, the Pay Act of 1967 was a major triumph, and I believe with H.R. 13000 we can remedy the shortcomings of the 1967 act.

H.R. 13000 provides a permanent means for the automatic annual adjustments of the rates of pay of Federal employees under the general schedule, the postal field service schedule, the Foreign Service schedules, and the schedules for physicians, dentists, and nurses in the Veterans' Administration.

A Salary Commission and a Board of Arbitration is created to perform the functions relating to the establishment of pay comparability which now are performed by the Bureau of the Budget and the Civil Service Commission.

The Commission will have members designated by the administraion and employee organizations. The Board will be made up of Members of Congress and representatives from employee organizations, the Civil Service Commission, and the Chairman, who will be selected

from among the membership of the American Arbitrary Association.

The Commission shall be responsible for prescribing the scope of the comparability survey to be conducted annually by the Bureau of Labor Statistics, and on the basis of that survey, will recommend exact rates of pay for each of the several salary schedules.

Any member of the Commission representing employee organizations, who disagrees with the rates recommended by the Commission, may ask that the matter be sent to the Board of Arbitration. The Board of Arbitration is responsible for making the final decision on the rates of pay to be recommended for the particular year involved.

The rates recommended by the Board or the Commission will be reported to the Congress and will go into effect automatically unless vetoed by the Congress. The rates will go into effect in January of each year.

A report on the proposed rates of pay is to be submitted annually to the Congress by February 1, but shall become effective in January each year unless Congress, within 30 days after such rates are submitted, vetoes the proposal.

Mr. Chairman, as I stated earlier, the postal employee has suffered gross inequities. It is important to remember that opportunities for advancement for the majority of the postal workers are extremely limited. Practically all letter carriers that remain in the postal service retire as letter carriers. Shocking as it may seem, the same letter carrier must seve a 21-year appenticeship before he can be paid the top salary. I challenge anyone to show me an employee who has as limited a chance for advancement and also cannot receive top pay for his trade or profession in at least an 8-year period.

We must remedy this serious problem before it is too late, I cannot but help think that one of the major reasons for the shortcomings in the Post Office Department today is the lack of employee morale and harmony. It is vital for an employee to know that he has an opportunity to advance in position or at least to the top of his position in order for him to accept and initiate responsibilities.

According to the Bureau of Labor Statistics, a letter carrier, PFS–5, level 4, earns $111 a year more than the standard set for a low standard of living. Unless we provide a system for these employees to establish self-esteem and pride, we will never solve the problems of employee morale and turnover.

Mr. Chairman, section 4 of H.R. 13000 will reduce the within-grade waiting time for advancement of postal employees, steps 2 through 7, for 52 calendar weeks to 26 calendar weeks. The period for employees in steps 8 and above is reduced from 156 calendar weeks to 52 calendar weeks. This provision will become effective on July 1, 1970.

Section 5 of the bill would grant postal employees in levels 1 through 11 an advancement of two steps, effective the first pay period of this month. This would help make up for the inadequate pay raise of 4 percent that postal employees received in July, while other Federal employees received a much larger percentage. Ironically, the postal employee raise was not as much as the cost-of-living increase this year—is this reasonable or fair?

Mr. Chairman, with all candor, we must compensate our loyal Federal employees in a manner that is responsive to their needs and comparable with salaries in private industry.

I, therefore, cannot be overzealous when I say this legislation is immediately needed.

Mr. GROSS. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. DERWINSKI).

(Mr. DERWINSKI asked and was given permission to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Chairman, I associate myself with the gentleman from Iowa (Mr. GROSS) and call the attention of the Members to our minority views.

Since those views were prepared some time ago, I took the occasion, over the weekend, to review them. Everyone of us has a pride of authorship.

Just to be objective, however, I glanced over the report itself, written by the majority, and I found those views quite revealing. As a matter of fact, the deeper I probed through the report the more I was convinced our minority position was correct.

There are some interesting statements I should like to point out.

For example, the very basic purpose of the bill should cause us to stop and think. We are told in the very opening paragraph of the purpose of the bill, that this sets up a permanent method of adjusting the pay of Federal employees.

What we are really saying is—this is one of the key issues—we are taking from any Chief Executive, regardless of his political party, the control over wage scales of Federal employees.

I wonder how many corporate presidents find themselves in the position where they would have no control whatsoever over the pay scales in their companies.

All through the report the majority keep referring to "adjusting" pay scales.

The real wording that should have been used is "raising pay scales."

Adjusting is merely a diplomatic word. Can you imagine the situation, the furor, in the House Committee on Post Office and Civil Service, if this Commission which is to be created, and the arbitration board between them produce a recommendation that the pay scales should be adjusted downward? At that point you would have an eruption that would make Mount Vesuvius look like a piker. I mention this because it is merely a fact of life.

Also, Mr. Chairman, having worked long and hard and struggled as a minority member of the Committee on Post Office and Civil Service, I have often advocated that what we should do especially in the Post Office Department but also in any other department for agency is for some formula to be determined on a regional basis, taking into account the regional variation in the cost of living. It may be true—and it is true—that the Post Office employees in New York City, Washington, and in the Chicago area, which I represent, suffer adversely in comparison to people in similar positions in private industry. However, this is not necessarily true in most of the rural and sparsely populated areas of the country. In fact, in many of the small towns the postmaster and the one or two post office employees are among the upper-middle-class citizens in terms of income. Yet there is no practical adjustment in any phase of the Federal pay scale in order to allow for the cost-of-living difference in high-cost areas such as Chicago, New York, and other cities.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. Yes. I yield to the gentleman.

Mr. WILLIAM D. FORD. I would like to compliment the gentleman for once again, as he did in 1967, supporting our proposal for area pay differentials for postal employees. The gentleman will recall with his support we did pass such a provision in the pay bill of 1967. We lost that provision of the bill in the other body with the explanation that the authority was already in the law to provide pay differentials for high-cost-of-living areas and that the administration, if it chose to do so, could exercise this authority, thereby relieving employees in districts such as the gentleman and I represent, in relatively high wage areas. I wonder if the gentleman will indicate to us what the current administration's attitude is toward using the power it has under the law now to afford relief to employees in big cities such as Chicago, Detroit, and New York.

Mr. DERWINSKI. In answer to the gentleman's question, I cannot speak for the Postmaster General or the administration as to whether or not their interpretation of the situation is the same as the gentleman from Michigan provides. However, it is accurate to point out, I believe, that the Postmaster General, the overworked, frustrated man he is, has been so preoccupied in trying to produce his version of postal reform that perhaps this potential adjustment has not been properly called to his attention. I think we should appoint ourselves as a committee of two to call on him shortly and see if we cannot make this adjustment. It might be a good argument to stop this bill in the Senate.

Mr. WILLIAM D. FORD. I thank the gentleman for that observation. I would be very happy to join with him in his suggestion that we appoint ourselves as a committee of two to do this and suggest that if we were successful as a committee in getting the Postmaster General to take a position on this issue, we would be establishing a new first for this administration.

Mr. DERWINSKI. I think this administration has taken a lot of positions. The only problem this administration really suffers from is that its unusual diplomatic and governmental concepts are not completely appreciated by the majority which controls the Congress. After all, it is a frustrating thing that we all go through. I know myself, serving on this committee for 7 years, and rarely

on the prevailing side. Everybody cannot take the easy road to popularity.

However, Mr. Chairman, I am being distracted from my main point, which is that H.R. 13000 is hardly the finest bill ever produced by our committee. I hope in the process of attempting to amend it we can do something to it. I must add that the gentleman from Iowa (Mr. GROSS) and I are not too optimistic as to that possibility. In fact, in our minority views we stated it was so defective it could not be amended. I think that is a statement everyone would admit is quite honest and forthright. However, I feel we will test the people handling the bill with some amendments. Perhaps a few of them will suddenly strike them as being worthy of some attention.

I do not think you could improve this bill to the extent to make it passable. I also have no illusions though as to what the final vote would be.

Mr. Chairman, one other point that I think has to be made and that is the tendency of members of the legislative branch to indulge in inconsistencies ever so often. We hear this big hue and cry about surrendering our prerogatives to the Executive and we also hear the same complaint about the Executive surrendering its powers to the legislative and vice versa.

In this bill we ask both the Executive and the legislative to give up control over Federal salaries, wages, and further adjustments to this Board. And, even though the Board would have some relationship to political reality, it is really a double abdication of authority. In other words, the Congress is willing to surrender and the administration would be forced to surrender and I cannot help but wonder what success, if any, this bill would have had in the case had the occupant of the White House had the initials H. H. H. I have a sneaking suspicion that this bill would not have been subject to hearings and I have a sneaking suspicion that a rate change which has been held captive in the Rate Subcommittee but which should have been cleared by this time—there would have been an entirely different picture.

I want to emphasize that I would not think of casting any political aspersions upon the distinguished gentleman from Arizona.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Arizona.

Mr. UDALL. I regret the cynicism of my friend, the gentleman from Illinois. It is unbecoming. It is unlike him. He knows as well as I know the fact is that every administration and every Postmaster General, Democrat or Republican, has voted against enacting pay raises for postal employees. The budget considerations have always prevented them from being for comparability.

I was called down to the White House 2 years ago because I helped draft the 1967 pay bill and was chastised and castigated at some length and, in effect, accused of budget busting. I suggest that if the same thing had been true this year and if the President's initials were H. H. H., I still would have been chastised and castigated again. I do not think the President has any business in fixing the policy. I think the Congress ought to fix the policy and that is what this bill does.

Mr. DERWINSKI. In recognition of the gentleman's tremendous ability and the logic which he usually shows, it seems that we should heed the suggestion of the gentleman from Virginia (Mr. BROYHILL) and take into consideration the huge numbers of Federal employees in the Federal bureaucracy——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GROSS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. DERWINSKI. We have this growing bureaucracy. Perhaps if we had an administration undertaking a bipartisan attempt here in the Congress in its treatment of Federal employees, the power and troublemaking activities of most of the departments and agencies could be phased down in size and the savings which would be made available as a result of that action spread in a more equitable manner to those Federal employees who remain on the job and who do an effective job. I would suggest this to the Members as a whole but perhaps overall to that very enlightened group called the Democratic Study Group, because I think at this point they should rally behind the question of treating employees more equitably by accepting the principle of fewer employees who would do a good job and we could get more done and they could be more adequately compensated, although that almost sounds like utopia.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 13000 and commend the chairman of the committee and the sponsor of the bill for bringing forth this long need legislation.

Mr. Chairman, I was a member of the Committee on Post Office and Civil Service during the 87th Congress when Public Law 87–793 was enacted. That law was designed to provide Federal salaries comparable to salaries in private enterprise, but we have not provided salaries in keeping with the intent of that law. The bill before us today is a step in that direction but it falls short of the goal.

In closing, Mr. Chairman, may I say that the intent of this bill, I believe was enacted in our bill of 1962 but much to my regret has never been implemented. I sincerely hope upon passage of this bill that finally our Federal employees may receive some measure of proper compensation for their dedication and work.

Mr. TIERNAN. Mr. Chairman, it is high time that we bring order to the Federal payrolls. The Federal Salary Act of 1967 started us on the road to permanently and adequately systematizing the adjustment of salaries for Federal employees. This set the precedent by having the Executive adjust the salaries of those Federal employees in four categories: General schedule, postal field service schedules, Foreign Service schedules, and the schedules relating to many in the Department of Medicine and Surgery of the Veterans' Administration. Congress would review his adjustments and maintain overall control.

H.R. 13000 would give permanence to adjusting Federal salaries, by establishing a Federal Employee Salary Commission and a Board of Arbitration.

This bill has many ramifications, but one of the most important is that we will no longer have to use so much valuable time here in Congress bickering over payroll adjustments. This would mainly be the job of the Federal Employee Salary Commission. The Congress would then vote within 30 days to reject or revise their proposal. No longer would there have to be time-consuming hearings, granting of rules from the Rules Committee and a host of other procedural matters here in Congress. This time would be spent working in other needed areas.

H.R. 13000 would assure annual review and adjustments of the pay rates for Federal employees. The Commission and Board of Arbitration would better insure that there will be comparable pay between and among the various pay systems.

This bill will also give an equitable wage to the postal workers of America. Postal employees should receive fair pay and benefits. Today their income is still below the national standard. We have a post office system that is in trouble because of backlog and overwork. If we expect to upgrade it and keep it efficient we must give incentives for qualified men to join its ranks and remain on the job for a long period of time. H.R. 13000 would permit an employee to move up to top pay in 8 years, compared with the present schedule of 12 steps over 21 years. This would be comparable to the steps in other industries and Federal employee classifications.

Mr. Chairman, I support this bill because I believe it is a sound move to permanently establish a commission to deal with the problem of Federal salaries. I also feel we must grant the postal workers their just due.

Mr. DONOHUE. Mr. Chairman, I urge and hope that the House will accept and approve this bill before us—H.R. 13000—which is principally designed to implement the Federal employee pay comparability system and establish a Federal employee Salary Commission and a Board of Arbitration. The measure also provides for an equitable comparability pay rate increase for postal employees, and attempts to modernize and tune-in with our current economy an in-step promotion system that now requires a minimum of 21 years' service in order to reach the highest bracket of salary grade.

As all Members of the House know, the Federal Salary Act of 1967 provided that the President would adjust salaries in 1968 and 1969 so that all Federal employees would have full comparability with private industry pay rates by July 1969. This act also projected automatic adjustments of Federal employees' salaries over a 2-year period, so that meanwhile the Congress would have the opportunity of exploring avenues and means by which it could retain final supervision and authority, but avoid the occurrence of repeatedly long and drawn-out involvements in an annual review and determination of the question of raising the pay of Federal employees.

After 2 years of intensive study, hearings and consultations, with all parties concerned, the Post Office and Civil Service Committee has found that there is widespread agreement for some method that will allow and arrange for an annual review and adjustment of Federal employee pay rates.

Based on all the evidence and authoritative testimony placed before it, the committee further found and has recommended that the best way to set up this annual review and adjustment of pay rates would be to establish a Federal Employee Salary Commission, composed of executive branch and employee representatives, with the opportunity for arbitration if conflicts develop. It is recognized, in this measure, that Congress should participate in this area of arbitration and, therefore, it is provided that Members of the House and Senate will sit on the proposed Board of Arbitration.

Mr. Chairman, in this turbulent period in our domestic history, it is obviously vitally important to provide reasonable encouragement for the maintenance of a high morale, for continued loyalty and efficiency, among our Federal employees.

This measure is primarily intended to reassure these employees that the country, the Congress, and the executive department of the Government are interested and concerned in their objectives of obtaining fair pay and fair treatment in accord with comparable standards of our American free enterprise system.

I again urge the adoption of this bill because I believe it is a prudent investment in the national interest, and represents a most earnest congressional effort, based on long and careful study, toward strengthening the integrity of the most essential part, the human part, of our Federal Government structure.

Mr. FARBSTEIN. Mr. Chairman, I vigorously support, H.R. 13000, the Pay Comparability Act of 1969. This legislation establishes a permanent method of bringing the pay of Federal employees up to a level comparable with that of private enterprise. It eliminates the longstanding inequity requiring postal employees to serve 21 years before reaching maximum pay for their work. In addition, 740,000 postal workers would get a badly needed emergency 5.4 percent cost-of-living rise in salary.

The reason for my support of this legislation is that any legislation which we enact for the purpose of raising Federal employees' salaries is based on reports which are outdated by the time we complete the legislative process. This problem is met by H.R. 13000 through the establishment of a permanent method of adjusting the pay of Federal employees who are under the general schedule, the postal field schedules, the Foreign Services schedules and the professional medical schedules.

Congress will play a vital role in the adjustment of these salaries because we will have a representation on the Federal Salary Commission and because the Commission will report directly to Congress. Through this Commission, congressional representatives will work closely with representatives of the executive branch and, of course, with representatives of employee organizations.

The Commission will conduct and maintain a current salary survey. This procedure will eliminate, or at least minimize, the comparability gap. And, because the Commission will be dealing directly with salary figures immediately affecting the relationship of Federal to private salaries, a more accurate comparability will be developed.

I have become aware of the inequities existent in the present Federal salary system. None of us in Congress should have missed the point being made this year by the postal unions that the 4.1-percent pay raise effective for postal employees July 1, was a pittance in relation to the services performed and the cost of living experienced by postal employees.

We cannot pass the issue off on the basis that no similar service is performed in the private sector and therefore comparability is impossible. The union representatives outlined, in hearings held this summer, the need for a meaningful change in the postal salary system.

Under the provisions of H.R. 13000, the time in service necessary for postal employees to reach the top level of a grade will be cut by 13 years. The present system has discouraged qualified people from coming into the postal service and has encouraged an alarming rate of employee turnover. No system can operate effectively when its employee separation rate is approximately 45 percent, as it was in 1967–68.

Because the Federal Salary Comparability Act of 1969 is drafted for the purposes of creating a permanent method of salary adjustment for Federal employees; of creating new incentives in the postal recruitment and retention programs through a new instep promotion plan; of enabling the full-fledged postal employee to soon enjoy the fruits of this legislation through special two-step advancements this year; and of increasing the ability of the postal employee to maintain his family at a reasonable standard of living, I urge all Members to strive to enact this necessary and meaningful legislation as soon as possible.

Mr. BUCHANAN. Mr. Chairman, the House of Representatives has before it today a bill—the Federal Salary Comparability Act of 1969—which affects a very important segment of our Nation's population, the many thousands of Federal and postal employees. I do not believe that there is any Member of Congress who is not aware of the vital importance of the fine work contributed by these employees or of the necessity to provide equitable and adequate compensation for this work. Because of my own longstanding concern about providing adequate compensation, I have already joined the introduction of two bills in this Congress toward this end. The Postal Service Act of 1969, in addition to implementing the administration's proposed creation of a separate self-supporting postal system, gives postal employees the important right to bargain collectively directly with management over wages and working conditions. The civil service retirement bill—H.R. 9825—which has now been passed by both Houses of Congress, provides both a liberalization in retirement benefits and an improvement in the financing of the retirement system.

I have also fully endorsed the principle of comparability and it had been my intention to support the legislation now being considered as a further step towards comparability. After careful study of the Federal Salary Comparability Act, however, I have come to the conclusion that its passage by the Congress at this time would not be in the best interests of the Nation or even of those directly affected by the bill.

First, in my judgment the Federal Salary Comparability Act faces a certain Presidential veto, with the result that postal and other Federal employees would receive no benefit at all from its passage by the Congress. In his letter of this date to House minority leader, Congressman GERALD R. FORD, the President indicates that—

> In its present form H.R. 13000 would add approximately $4.3 billion a year to federal expenditures. It would balloon expenditures in the remainder of this fiscal year by $1.5 billion.

The President pointed out that expenditure increases of this magnitude will nullify many of the steps which have recently been taken to stabilize the economy and seriously undercut the vital national effort to contain inflation. He indicates, furthermore, that the passage of H.R. 13000 would bring about additional deep cuts in Federal services which have already been greatly reduced because of expenditure ceilings passed by this very body. According to the President, this would require a reduction in postal services and in the number of postal and other Federal employees.

Second, upon reflection I believe that placing Federal salary determinations in the hands of a Federal Employe Salary Commission would prove to be an unwise step—both for Federal employees and for our country. I opposed this system of salary determination for Members of Congress and believe that it presents the same drawbacks when applied to any Federal employees. The collective bargaining procedure which is proposed in the Postal Service Act of 1969 presents, in my judgment, a more equitable and more responsible method of arriving at wage and salary decisions.

Third, there are serious questions in my mind with respect to the way in which this legislation was handled by the House Post Office and Civil Service Committee. Not only did the committee refuse—on October 8—to even consider the administration's postal reform legislation, but it did not see fit to provide Postmaster General Blount the extra time he requested of the committee to give H.R. 13000 his complete study. He was not even given the opportunity to testify on the measure before final committee action. As a member of the House Post Office and Civil Service Committee earlier in my congressional tenure, I did not participate in any such treatment of a Democratic Postmaster General and oppose it now in the case of the present Republican Postmaster General.

Many believe, furthermore, that if this bill is passed there will be no remaining impetus toward the comprehensive postal reform which is so desperately needed.

Under the present postal system many postal employees never have a real chance for advancement and the postal service itself has become increasingly inefficient. I firmly believe, therefore, that immediate and comprehensive reform in the postal system is mandatory.

Finally, it is no secret among Members of Congress that there are other Federal employees who consider this bill to be inequitable toward them in that it provides greater increases for postal clerks and letter carriers than for other Federal employees in comparable positions.

For these reasons, Mr. Chairman, I must regrettably oppose this legislation at this time. This decision has been a painful one, and one which I have reached only after much soul searching. I remain completely determined, however, to work through postal reform and other legislation to achieve full comparability for postal and other Federal employees.

Mr. GILBERT. Mr. Chairman, I rise in support of H.R. 13000. Historically it is a fact that postal employees have always received too little too late. With regularity, my office receives the justified complaints of postal workers and their families about inadequate salaries and the spiraling cost of living. My mail these days is full of statements from postal employees who remind us that because of inflation, the 4.1-percent increase they received in July of this year gives them less purchasing power than they had a year ago.

H.R. 13000 will not correct the admitted inadequacies of the postal pay schedules, but it certainly will help in resolving the perennial problem of what Congress is to do about the pay of these workers. I am impressed by the section of H.R. 13000 which establishes a Federal Wage Commission and I am glad to know that the unions which represent the workers will have a voice on that Commission.

Congress has on several occasions considered legislation to raise salaries of postal and other Federal workers to a level comparable with wages being paid in the private sector. Because of budgetary restrictions, our intent has never been carried out.

In my opinion, postal workers should not have to carry the Nation's economy on their shoulders as well as the tremendous mail volume for which they are responsible.

It is most discouraging for the Government workers who reside in my congressional district to note the tremendous gains made by their neighbors and those to whom they deliver the mail, and then to be denied a justified increase in their wages.

Mr. Chairman, I fully support H.R. 13000 and in so doing I agree that wage adjustments of Government employees should be automatic and not be delayed by the redtape which accompanies passage of a new law each year.

Mr. RUPPE. Mr. Chairman, President Nixon has clearly and specifically indicated that he will veto the Federal Salary Comparability Act of 1969 as reported out that the Committee on Post Office and Civil Service. Any veto of this desirable, needed legislation for postal employees must necessarily invite a comparison with similar legislation passed by Congress in 1967. At that time, the Post Office and Civil Service Commission, of which I was a proud member, voted rate increases to fully cover the salary increases specified in the bill. This was responsible action that permitted President Johnson to sign that bill into law. Yet, 2 years later the committee has completely failed in its responsibility to increase postal revenues to cover necessary postal pay increases. This failure to act is clearly responsible for the President's projected veto and in my view has done substantial disservice to this Nation's dedicated postal employees.

Mr. Chairman, I will vote to recommit this bill so the committee will face its responsibility and come up with a postal revenue package to guarantee the President's support of this needed comparability legislation.

Mr. UDALL. Mr. Chairman, I have no further requests for time.

Mr. GROSS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will now read the committee substitute amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Salary Comparability Act of 1969".

SEC. 2. Sections 5301 and 5302 of title 5, United States Code, are amended to read as follows:

"§ 5301. Policy

"(a) It is the policy of Congress that rates of pay for employees within the purview of this section be based on the principles that—

"(1) there be equal pay under each pay system for substantially equal work;

"(2) pay distinctions be maintained in keeping with work distinctions; and

"(3) rates of pay be comparable, on a national basis, with private enterprise rates of pay for the same levels of work.

"(b) Rates of pay shall be adjusted annually, in accordance with the policy set forth in subsection (a) of this section and the procedures prescribed by section 5302 of this title, for those employees subject to—

"(1) section 5332 of this title, relating to employees under the General Schedule;

"(2) part III of title 39, relating to employees in the postal field service;

"(3) sections 867 and 870 of title 22, relating to officers, staff officers, and employees in the Foreign Service of the United States; and

"(4) section 4107 of title 38, relating to physicians, dentists, and nurses in the Department of Medicine and Surgery, Veterans' Administration.

"§ 5302. Federal Employee Salary Commission; Federal Employee Salary Board of Arbitration

"(a) There is established, as a permanent agency of the Government, a Federal Employee Salary Commission, referred to as the 'Commission'.

"(b) The Commission shall be composed of 8 members and 3 associate members, as follows:

"(1) the Chairman of the Civil Service Commission or, in his absence, his designee, who shall be Chairman;

"(2) 1 designated by the Director of the Bureau of the Budget;

"(3) 1 designated by the Secretary of Defense;

"(4) 1 designated by the Postmaster General;

"(5) 1 designated by the organization of employees having the largest number of members in the General Schedule;

"(6) 2, one designated by each of the 2 employee organizations having the largest number of members in the postal field service;

"(7) 1 designated by an employee organization, other than an organization designating a member pursuant to paragraph (5) or (6) of this subsection, selected each year by the Chairman of the Civil Service Commission on a rotating basis after consultation with representatives of such employee organizations as the Chairman determines appropriate; and

"(8) 3 associate members, one each designated by employee organizations, other than organizations designating members pursuant to paragraph (5), (6), or (7) of this subsection, selected each year by the Chairman of the Civil Service Commission on a rotating basis after consultation with representatives of such employee organizations as the Chairman determines appropriate.

A member of the Commission has—

"(A) 1 vote, if designated under paragraph (2), (3), (4), (5), or (7) of this subsection;

"(B) one-half vote, if designated under paragraph (6) of this subsection; or

"(C) 1 vote to be cast only to break a tie vote of the Commission, if serving under paragraph (1) of this subsection.

Each associate member of the Commission is entitled to attend all meetings of, consult with, and be heard by, the Commission, on all matters, but does not have a vote.

"(c) The Commission shall, in accordance with the policy set forth in section 5301(a) of this title, after consultation with representatives of such agencies and employee organizations as it determines appropriate—

"(1) prescribe, and revise from time to time as it deems appropriate, a comparability pay survey—

"(A) which will develop valid comparisons of (i) the rates of pay for employees within the purview of section 5301(b) of this title and (ii) the rates of pay for the same levels of work in private industry; and

"(B) which shall be conducted annually by the Bureau of Labor Statistics in the Department of Labor;

"(2) prepare annually a comparative statement of the rates of pay for such employees and the rates of pay for the same levels of work in private industry as disclosed by the comparability pay survey;

"(3) determine and prescribe, on the basis of information and data disclosed by the annual comparability pay survey, the exact national rates of pay for such employees which are necessary to effect the policy set forth in section 5301(a) of this title;

"(4) review, annually, the comparability of the rates of pay and step increase policies within and between the various pay systems for such employees, taking into consideration such matters as the Commission determines have affected or may affect the comparability, including, but not limited to—

"(A) within-grade rates of pay employees are receiving due to differing length of service requirements for step increases, step increase without regard to length of service, or different number of within-grade steps;

"(B) different rates of pay under the various pay systems for the same level of work;

"(C) pay distinction not being maintained in keeping with work distinction, the degree of responsibility placed, the scope and variety of tasks involved, or the extent of decisionmaking authority required; and

"(D) premium pay policies; and

"(5) except as provided in subsection (e) and subsection (g) of this section, prepare and submit annually to the Congress a report setting forth—

"(A) the comparison of rates of pay prepared pursuant to paragraph (2) of this subsection;

"(B) the exact national rates of pay for such employees prescribed by the Commission in accordance with paragraph (3) of this subsection; and

"(C) recommendations for legislation as may be necessary to achieve the comparability policy set forth in section 5301(a) of this title or to achieve comparability within and between pay systems for employees within the purview of section 5301(b) of this title.

"(d)(1) In the exercise of the authority and the performance of the duties vested in and imposed upon the Commission by this section, the Commission—

"(A) shall seek the views, in such manner as the Commission may provide, of such employee organizations as the Commission considers appropriate; and

"(B) give thorough consideration to those views.

"(2) All decisions of the Commission shall be by a majority vote. The votes shall be recorded. A record shall be maintained of the views, assenting or dissenting, of the members of the Commission. The record of votes and views shall be available for public inspection and copying pursuant to section 552 of this title.

"(e) If a member of the Commission determines, and advises the Commission, that the rates of pay applicable to the appropriate pay system, as the rates are prescribed by the Commission, are not in conformity with the policy set forth in section 5301(a) of this title, the Commission shall submit, not later than February 1 following that determination, the rates of pay to the Board established by subsection (f) of this section for consideration by the Board.

"(f)(1) There is established, as a permanent agency of the Government, a Federal Employee Salary Board of Arbitration, referred to as the 'Board', which shall be composed of 7 members as follows:

"(A) 2 Members of the United States Senate designated by the President pro tempore of the Senate, each from a different political party;

"(B) 2 Members of the United States House of Representatives designated by the Speaker of the House, each from a different political party;

"(C) 1 designated by the Chairman of the Civil Service Commission;

"(D) 1, who may serve not more than 2 consecutive years, designated by a majority vote of the presidents of the four employee organizations which have designated members currently serving on the Commission under paragraph (5), (6), or (7) of subsection (b) of this section with each president of the employee organization under paragraph (5) or (7) having one vote and each president of the organizations under paragraph (6) having one-half vote; and

"(E) 1 designated by a majority of the members of the Board referred to in paragraphs (A) to (D), inclusive, of this subsection from the membership of the American Arbitration Association, who shall be Chairman of the Board.

"(2) The Board shall consider the rates of pay submitted to it by the Commission pursuant to subsection (e) of this section and determine whether or not the rates of pay conform with the policy set forth in section 5301(a) of this title. If the Board determines that the rates of pay do not so conform, the Board shall prepare the rates of pay as will conform with that policy. The Board shall transmit to the Commission not later than the 30th day following the date the Board received the rates of pay submitted to it by the Commission, a report setting forth—

"(A) the decision of the Board with respect to the rates of pay submitted by the Commission;

"(B) the reasons for the decision of the Board; and

"(C) such rates of pay as the Board shall have determined to be necessary to conform with the policy set forth in section 5301(a) of this title.

The decision of the Board, and such rates of pay as it may prepare in accordance with this paragraph, shall be final and conclusive.

"(g)(1) Except as provided in paragraph (2) of this subsection, the Commission shall submit to the Congress the first report pursuant to paragraph (5) of subsection (c) of this section, based on the 1969 national survey of professional, administrative, technical, and clerical pay, not later than February 1, 1970, and subsequent reports pursuant to such paragraph (5) not later than February 1 of each year thereafter.

"(2) In the case of the submission of rates of pay by the Commission to the Board pursuant to subsection (e) of this section, the Commission, immediately upon receipt of the final and conclusive decision of the Board, shall submit to the Congress the decision of the Board and such rates of pay as the Board shall have determined to be necessary to conform with the policy set forth in section 5301(a) of this title.

"(h)(1) Except as provided in paragraph (2) of this subsection, all or part (as the case may be) of the rates of pay submitted to the Congress as provided in subsection (c)(5) or subsection (g) of this section become effective at the beginning of the first pay period that begins on or after the first day of the year in which the rates of pay are submitted; but only to the extent that, within 30 days after the rates of pay are submitted to the Congress—

"(A) there has not been enacted into a law a statute establishing rates of pay other than those proposed by all or part of such recommendations,

"(B) neither House of Congress has passed a resolution specifically disapproving all or part of the recommendations, or

"(C) both.

"(2) Any part of the recommendations, in accordance with express provisions of the recommendations, may be made operative on a date earlier than the date on which the recommendations otherwise are to take effect.

"(3)(A) The rates of pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28 shall be increased, effective on the first day of the first pay period which begins on or after the first day of the year in which increases become effective pursuant to this section, by amounts equal, as nearly as may be practicable, to the increases provided pursuant to this section for corresponding rates of pay.

"(B) Notwithstanding section 665 of title 31, the rates of pay of employees of an Executive agency and of the government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased pursuant to this section are hereby authorized to be increased, effective on the first day of the first pay period which begins on or after the first day of the year in which increases become effective pursuant to this section, by amounts not to exceed the increases provided pursuant to this section for corresponding rates of pay in the appropriate schedule or scale of pay.

"(C) This section does not authorize any increase in the rates of pay of employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(D) This section does not impair any authority pursuant to which rates of pay may be fixed by administrative action.

"(4) Retroactive pay shall be paid by reason of this section only in the case of an individual in the service of the United States (including service in the armed forces) or the government of the District of Columbia on the day immediately following the close of the 30-day period specified in subsection (h)(1) of this section, except that such retroactive pay shall be paid—

"(A) to an employee who retired, during the period beginning on the first day of the first pay period which began on or after January 1, and ending on the day immediately following the close of the 30-day period specified in subsection (h)(1) of this section, for services rendered during that period, and

"(B) in accordance with subchapter VIII of chapter 55 of this title, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after January 1, and ending on the day immediately following the close of the 30-day period specified in subsection (h)(1) of this section, by an employee who died during that period.

Such retroactive pay shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of this title, relating to civil service retirement, and any other retirement law or retirement system, in the case of any such retired or deceased employee.

"(5) For the purposes of paragraph (4) of this section, service in the Armed Forces, in the case of an individual relieved from training and service in the Armed Forces or discharged from hospitalization following such training and service, includes the period provided by law for the mandatory restoration of the individual to a position in or under the Government of the United States or the government of the District of Columbia.

"(i) Each member and each associate member of the Commission and each member of the Board is entitled to travel expenses, including a per diem allowance in accordance with section 5703(b) of this title. Each such member or associate member who is not a Member of Congress or an employee is entitled to pay at a rate equal to the per diem equivalent of the maximum rate of basic pay of the General Schedule for each day he is engaged in the performance of services for the Commission or the Board, as the case may be, except that the member from the American Arbitration Association may be paid the usual fees prescribed by that association.

"(j)(1) Without regard to the provisions of this title governing appointments in the competitive service and of chapter 51 of this title and subchapter III of this chapter, relating to classification and General Schedule pay rates—

"(A) the Commission and the Board each may appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of this title; and

"(B) with the approval of the Commission or the Board, as appropriate, the Executive Director may appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule) of such additional personnel as may be necessary to carry out the functions of the Commission or of the Board, as applicable, and may obtain services of experts or consultants in accordance with section 3109 of this title, but at rates for individuals not to exceed that of General Schedule 18.

"(2) Upon the request of the Commission or of the Board, the head of any department, agency, or establishment of any branch of the Government of the United States may detail, on a reimbursable basis, any of the personnel of such department, agency, or establishment to assist the Commission or the Board, as appropriate, in carrying out its functions.

"(k) The Commission and the Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

"(l) The Administrator of the General Services shall provide administrative support services for the Commission and the Board on a reimbursable basis.

"(m) The rates of pay that take effect under this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

"(1) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of such rates (other than any provision of law enacted in the 30-day period specified in paragraph (1) of subsection (h) of this section with respect to such rates); and

"(2) any prior recommendations or adjustments which took effect under this section or prior provisions of law.

"(n) The rates of pay that take effect under this section shall be printed in—

"(1) the Statutes at Large in the same volume as public laws;

"(2) the Federal Register; and

"(3) the Code of Federal Regulations.

"(o) Any increase in rates of pay that takes effect under this section is not an equivalent increase in pay within the meaning of section 5335 of this title or section 3552 of title 39.

"(p) Any rate of pay that takes effect under this section shall be initially adjusted, effective on the effective date of such rate of pay, under conversion rules prescribed by the President or by such agency as the President may designate.

"(q) The rates of pay of personnel subject to sections 210 and 213 (except subsections (d) and (e)) of the Federal Salary Act of 1967 (81 Stat. 633, 635; Public Law 90-206), and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period which begins on or after the first day of the year in which increases become effective pursuant to this section, by amounts which are equal, insofar as practicable and with such exceptions as may be necessary to provide for appropriate relationships between positions, to the amounts of the adjustments made pursuant to this section, by the following authorities—

"(1) the Director of the Administrative Office of the United States Courts, with respect to the judicial branch of the Government; and

"(2) the Secretary of Agriculture, with respect to individuals employed by the county committees established under section 590h (b) of title 16.

Such adjustments shall be made in such manner as the appropriate authority concerned deems advisable and shall have the force and effect of statute.".

SEC. 3. The table of contents of subchapter 1 of chapter 53 of title 5, United States Code, is amended by striking out—

"5302. Annual reports on pay comparability."

and inserting in lieu thereof—

"5302. Federal Employee Salary Commission; Federal Employee Salary Board of Arbitration.".

SEC. 4. Section 3552(a) of title 39, United States Code, is amended to read as follows:

"(a)(1) Each employee subject to the Postal Field Service Schedule and each employee subject to the Rural Carrier Schedule who has not reached the highest step for his position shall be advanced successively to the next higher step as follows:

"(A) to steps 2, 3, 4, 5, 6, and 7—at the beginning of the first pay period following the completion of 26 calendar weeks of satisfactory service; and

"(B) to steps 8 and above—at the beginning of the first pay period following the completion of 52 calendar weeks of satisfactory service.

"(2) The receipt of an equivalent increase during any of the waiting period specified in this subsection shall cause a new full waiting period to commence for further step increases.

"(3) An employee subject to the Postal Field Service Schedule who returns to a position he formerly occupied at a lower level may, at his request, have his waiting periods adjusted, at the time of his return to the lower level, as if his service had been continuous in the lower level.".

SEC. 5. (a) Each employee in levels 1 through 11 of the Postal Field Service Schedule and each employee subject to the Rural Carrier Schedule—

(1) who is in a step below the 2 top steps of his level shall be advanced 2 steps; or

(2) who is in either of the 2 top steps of his level shall receive basic compensation at a rate equal to his rate of basic compensation in effect immediately prior to the effective date of this subsection plus the amount of 2 step increases of his level.

Changes in levels or steps which would otherwise occur on the effective date of this subsection without regard to the enactment of this subsection shall be deemed to have occurred prior to adjustments under this subsection. Each such employee who receives an adjustment under this subsection shall commence a new full waiting period, for further step increase purposes under section 3552(a) of title 39, United States Code, on the first day of the first pay period which begins on or after July 1, 1970, and service by such an employee on or after the effective date of this section and prior to the beginning of such pay period in July 1970 shall not be credited for such step increase purposes.

(b) For the purposes of the initial application of section 3552(a) of title 39, United States Code, as amended by section 4 of this Act, credit for satisfactory service performed by an employee in levels 12 or above of the Postal Field Service Schedule since his last step increase prior to the effective date of section 4 of this Act, shall be granted in an amount not in excess of the amount of service required for a one step increase applicable to the step category of the employee.

(c) The Postmaster General shall advance each employee in level 12 or above of the Postal Field Service Schedule—

(1) who was in level 12 or above on the effective date of this section and who did not receive a two-step increase pursuant to this section;

(2) who is senior with respect to total postal service to an employee in the same post office (A) who received a two-step increase pursuant to this section and (B) who is promoted to the same level on or after the effective date of this section; and

(3) who is in a step in the same level below the step of the junior employee described in clauses (A) and (B) of subparagraph (2) of this subsection.

Such advancement by the Postmaster General shall be to the highest step which is held by any such junior employee. Any increase under the provisions of this subsection is not an equivalent increase within the meaning of section 3552 of title 39, United States Code. Credit earned prior to advancement under this subsection for advancement to the next step shall be retained for step increase purposes under such section 3552.

SEC. 6. Section 5545(c)(2) of title 5, United States Code, is amended to read as follows:

"(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premum pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 per centum nor more than 25 per centum, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position.".

SEC. 7. (a) Section 5942 of title 5, United States Code, is amended to read as follows:

"§ 5942. Allowance based on duty at remote worksites

"Notwithstanding section 5536 of this title, an employee of an Executive department or independent establishment who is assigned to duty, except temporary duty, at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable amount of expense, hardship, and inconvenience on the part of the employee in commuting to and from his residence and such worksite is entitled, in addition to pay otherwise due him, to an allowance of not to exceed $10 a day. The allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and defining and designating those sites, areas, and groups of positions to which the rates apply.".

(b) Notwithstanding section 5536 of title 5, United States Code, and the amendment made by subsection (a) of this section, and until the effective date of regulations prescribed by the President under such amendment—

(1) allowances may be paid to employees under section 5942 of title 5, United States Code, and the regulations prescribed by the President under such section, as in effect immediately prior to the effective date of this section; and

(2) such regulations may be amended or revoked in accordance with such section 5942 as in effect immediately prior to the effective date of this section.

(c) The table of contents of subchapter IV of chapter 59 of title 5, United States Code, is amended by striking out—

"5942. Allowance based on duty on California offshore islands or at Nevada Test Site."

and inserting in lieu thereof—

"5942. Allowance based on duty at remote worksites.".

SEC. 8 (a) Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following new section:

§ 5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations

"(a) An employee of the Corps of Engineers, Department of the Army, engaged in floating plant operations may be furnished quarters or subsistence, or both, on vessels, without charge, when the furnishing of the quarters or subsistence, or both, is determined to be equitable to the employee concerned, and necessary in the public interest, in connection with such operations.

"(b) Notwithstanding section 5536 of this title, an employee entitled to the benefits of subsection (a) of this section while on a vessel, may be paid, in place of these benefits, an allowance for quarters or subsistence, or both, when—

"(1) adverse weather conditions or similar circumstances beyond the control of the employee or the Corps of Engineers prevent transportation of the employee from shore to the vessel; or

"(2) quarters or subsistence, or both, are not available on the vessel while it is undergoing repairs.

"(c) The quarters or subsistence, or both, or allowance in place thereof, may be furnished or paid only under regulations prescribed by the Secretary of the Army.".

(b) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by adding—

"5947. Quarters subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations."

immediately below—

"5946. Membership fees; expenses of attendance at meetings; limitations.".

(c) The Act entitled "An Act to authorize the furnishing of subsistence and quarters without charge to employees of the Corps of Engineers engaged on floating plant operations", approved May 13, 1955 (69 Stat. 48; Public Law 35, Eighty-fourth Congress) is repealed.

SEC. 9 (a) This section, the first section, and sections 2 and 3 of this Act shall become effective on the date of enactment of this Act.

(b) Sections 5, 6, 7, and 8 of this Act shall become effective on the first day of the first pay period which begins on or after October 1, 1969.

(c) Section 4 of this Act shall become effective on the first day of the first pay period which begins on or after July 1, 1970.

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the committee amendment be dispensed with, and that it be printed in the RECORD in full and be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

AMENDMENT OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL: On page 38 strike out all of subsection (q), beginning with line 15 down through line 11 on page 39, and insert in lieu thereof the following:

"(q)(1) The rates of pay of personnel subject to sections 210 and 214 of the Federal Salary Act of 1967 (81 Stat. 633, 635; Public Law 90–206), relating to Agricultural Stabilization and Conservation County Committee employees and to certain employees of the Legislative Branch of the Government, respectively, and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section by amounts which are identical, insofar as practicable, to the amounts of the adjustments under this section for corresponding rates of pay for employees subject to the General Schedule, by the following authorities—

"(A) the Secretary of Agriculture, with respect to individuals employed by the county committees established under section 590h(b) of title 16;

"(B) the Financial Clerk of the Senate, with respect to the United States Senate;

"(C) the Finance Clerk of the House of Representatives, with respect to the United States House of Representatives; and

"(D) the Architect of the Capitol, with respect to the office of the Architect of the Capitol.

The provisions of this section shall not be construed to allow adjustments in the rates of pay of the following officers of the United States House of Representatives: Parliamentarian, Chaplain, Clerk, Minority Clerk, Sergeant at Arms, Minority Sergeant at Arms, Doorkeeper, Minority Doorkeeper, Postmaster, Minority Postmaster.

"(2) Notwithstanding section 665 of title 31, the rates of pay of employees in and under the Judicial Branch of the Government, whose rates of pay are fixed by admiinstrative action pursuant to law and are not otherwise adjusted under this section may be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section, by amounts not to exceed the amounts of the adjustments under this section for corresponding rates of pay. The limitations fixed by law with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges shall be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section, by amounts not to exceed the amounts of the adjustments under this section for corresponding rates of pay.".

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of my amendment be dispensed with, and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

(Mr. UDALL asked and was given permission to revise and extend his remarks.)

Mr. UDALL. Mr. Chairman, this amendment is a simple amendment which I believe will arouse no great controversy.

In the 1967 act we provided a system by which comparability raises were given to the Federal classified employees, the postal employees, and so on. We also had a section which permitted and required that the employees of the legislative branch be given the same proportionate increases once other determinations were made.

In the bill the committee reported, because of some confusion, and because of some additional study on the mechanics that I had wanted to make, there was no such provision. This is a simple amendment which will require the disbursing officer and financial clerk in the House and Senate to determine what adjustments have been made in the classified pay of the Federal executive departments, and then take the same adjustments for the employees in the legislative branch.

This would mean that if a $10,000 clerk downtown received a 3-percent increase on some January, then a $10,000 staff employee or committee employee in the Congress would receive a 3-percent increase. It also includes in the machinery two types of employees in the Federal branch, law clerks of circuit and district judges, and secretaries who were omitted from the regular machinery in the bill.

Mr. Chairman, I do not know of any great opposition to the amendment, and I would hope that it would be agreed to.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman's statement, and in line of clarification might I ask the gentleman—as the author of the bill—one further question pertaining to page 24, lines 22 through 25, where it says in effect that the rates of pay shall be adjusted annually, and then it refers to the physicians, dentists, and nurses, in the Department of Medicine and Surgery, Veterans' Administration.

Is there any particular reason why these particular categories of talented and scarcely trained personnel were picked out in the Veterans' Administration specifically, rather than in any other, for example, the dentist and physicians in the Public Health Service?

Mr. UDALL. The dentists, physicians, and so forth in other departments are covered in the classified service; they are in the classified salary system. The Veterans' Administration has a separate salary system for these particular people, and we simply bracketed them into the automatic machinery so that a nurse or dentist or physician in the Veterans' Administration would get the same increase as a nurse or a doctor or dentist in the Public Health Service, who are already included.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, do I understand then that the intent, insofar as the commission is concerned, and the various boards of appeal, or arbitration, that are set up in this bill, is so that there will be some equalization of pay for those of like talents, and equal quality of skills, who are throughout the entire Government by this proposal?

Mr. UDALL. This is basically the intent of this proposal. We have had some incidents where we have had some nurses and nurses' assistants, as I am sure the gentleman is aware of, in one branch of the Government who are getting less than the same comparable people in other branches.

Mr. HALL. Carrying the colloquy one step further, there has actually been proselyting between the various branches of the Government because of inequities so far as this particular area is concerned, but the ones singled out here have apparently been the leaders in income and have experienced those activities, and as to their amount of income to date, and I wondered if it would work in the reverse, or if the others would be brought up to those even though they are covered by other pay acts?

Mr. UDALL. The intention is to equalize them, I will say to the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. UDALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 32, beginning with line 14, strike out all of line 14 and all that follows down through the end of line 7 on page 33 and insert in lieu thereof the following:

"(h)(1) The rates of pay submitted to the Congress as provided in subsection (c)(4) or subsection (g) of this section shall become effective at the beginning of the first pay period which begins on or after the adoption by both Houses of Congress (within the 60 day period following the date on which the rates of pay are submitted to the House of Representatives and the Senate), by the yeas and nays of a concurrent resolution stating in effect that the Senate and House of Representatives approve such rates of pay."

"(2) For the purposes of paragraph (1) of this subsection, in the computation of the 60 day period there shall be excluded the days on which either House is not in session because of adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die. The rates of pay submitted to the Congress shall be delivered to both Houses of the Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House of Representatives is not in session and to the Secretary of the Senate if the Senate is not in session."

On page 33, line 12, strike out "first day of the year" and insert in lieu thereof "date on";

On page 33, line 22, strike out "first day of the year in" and insert in lieu thereof "date on";

On page 38, line 21, strike out "first day of the year in" and insert in lieu thereof "date on".

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS) in support of his amendment.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, in support of the amendment that I have offered, may I say it conforms with the policy expressed by the gentleman from Arizona (Mr. UDALL) in the hearings before his compensation subcommittee.

The purpose of this amendment is to require that Congress take affirmative action, not negative action, in connection with the approval of pay increases recommended to it by the so-called Federal Employee Salary Commission.

The Congress should not under any circumstances avoid its responsibility in this matter, as it did in connection with increasing the salaries of Members earlier this year. We were led then to believe that we would be able to vote on that issue in an orderly manner, but it certainly did not work out that way.

As the Members of the House well know, the executive, congressional, and judicial pay bill went into effect early this year while the House of Representatives was conveniently on vacation. My proposal would require that both Houses of Congress, by a yea-and-nay vote, shall approve a concurrent resolution within 60 days after the Commission report is received and before pay increases for Federal employees could possibly become effective.

My amendment further provides that there will be no retroactive pay increases as provided for in the present language of the bill, H.R. 13000.

There is precedent for the amendment I am proposing. A similar provision is contained in the Trade Expansion Act of 1962, title 19, section 1981, where the procedure I suggested in my amendment is used in connection with the imposition of duties or other import restrictions.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. WILLIAM D. FORD. Did I understand the gentleman to say that in his opinion, if a provision such as he is now proposing in this bill had been included in the bill covering pay for the executive branch, the judiciary, and Congress, it would be unlikely that we would have received the pay raise that we got this year?

Mr. GROSS. No, that is not my understanding. Certainly, I would have liked to have seen a vote on it, and tried in every possible way to get it. The responsibility of Members of the House, the presumed responsibility, dictated that there be a vote on that pay increase. But there was no vote, as the gentleman knows.

Mr. WILLIAM D. FORD. Then do I clearly interpret your position as being that you do not intend by the amendment you are offering to make it less likely that there will be an annual increase in pay comparable or commensurate with increases in the cost of living and other factors, that would be the case under the bill offered by the gentleman from Arizona (Mr. UDALL).

Mr. GROSS. I cannot say what position the House will take. I doubt very much that had House Members voted on a rollcall vote they would have passed the congressional pay increase earlier this year. That is my personal opinion.

Mr. WILLIAM D. FORD. Then I gather that you do believe there is at least a strong possibility that Federal employees chances of an annual raise would be at least in jeopardy if your amendment is passed, to a greater extent than the provision of the Udall bill; and with that in mind, I ask the gentleman if he really believes this House could in good conscience pass a salary commission bill that treated the employees of the Federal Government less generously than we have treated ourselves?

Mr. GROSS. I do not know what the House would do. I should like to see a test. I want to see a yea-and-nay vote on pay increases and all of them. That is what my amendment provides, that the House be compelled to vote on pay-increase legislation.

Let me say to the gentleman that looking down the road 18 months hence, this legislation, we are told, will very likely cost $2.5 billion exclusive of the military pay increase, which is semi-automatic, being based upon the passage of pay-increase legislation for other Federal employees. The House has the obligation to the citizens of this country, the taxpayers of this country, to vote on all pay-increase legislation.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(On request of Mr. WILLIAM D. FORD, and by unanimous consent, Mr. GROSS was allowed to proceed for 5 additional minutes.)

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. The point that I am trying to examine the gentleman in the well about—and I fully appreciate the good faith of his amendment—I want to say that I agree with you, and I would have been very happy to vote on the issue of pay, and that we needed it. I feel it is fully justified, and I went on record publicly. I would be most happy to do that in this Chamber. I think wherever possible we should vote.

The point I am trying to raise with the gentleman, however, is the fact that we have established a salary procedure for the top-pay executives in the Government, for the judiciary, and for the legislative, and what the gentleman's amendment would now do would be to set a double standard. We would have a different approach, perhaps less advantageous for the general employees of the Government than that which we have provided for ourselves, and this does not seem to me to be consistent with fair play, that we treat ourselves in any way better than other employees in the Federal Government.

Mr. GROSS. With the influential help of the gentleman from Michigan—and he can be a very helpful influence in the committee—I will be glad to offer legislation in the committee to provide for a mandatory vote on any further increases in pay for the executive, legislative or judicial branches of Government.

Mr. WILLIAM D. FORD. I will give that my sympathetic consideration.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from North Carolina.

Mr. HENDERSON. I wish to commend the gentleman for presenting to the House a most important amendment to this legislation. The provision of the bill that your amendment seeks to amend is the one that gives most of us great trouble. That is the question whether or not the pay raises are going to be automatic unless Congress vetoes the recommendation of the Salary Commission, or whether Congress is going to face up to what many of us think is our responsibility and affirmatively vote for the raises as recommended by a commission. That is what the gentleman's amendment does. It affords us an opportunity to go on record at this point that if we want to increase the salaries of the employees as the Commission finds they are entitled to be increased, we would then vote to do that. I commend the gentleman for this opportunity to vote on that issue.

Mr. GROSS. I thank the gentleman from North Carolina for his concurrence in and help with this amendment.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from North Carolina.

Mr. HENDERSON. I urge Members of the House to give very serious consideration to the amendment offered by the gentleman from Iowa. If the amendment is adopted, I am sure passage of the bill, at least by the House, will be assured.

Mr. GROSS. I thank the gentleman but I hope it will not assure passage of the bill for many other of its provisions are totally unacceptable.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Minnesota.

Mr. MACGREGOR. I rise to commend the gentleman from Iowa. His amendment obviously has great merit, and I would be pleased to support it. I should like to say to the gentleman who questioned the gentleman from Iowa a moment ago about the double standard that obviously, if the House were to adopt this amendment now offered by the gentleman from Iowa on this legislation, we would subsequently adopt the same amendment with respect to a Commission's recommendations for congressional, legislative, executive or judicial pay raises.

Mr. GROSS. The gentleman is exactly right. If we put it in this bill, as we should, then we certainly ought to put it on the other legislation. I will offer legislation to that end.

Mr. MACGREGOR. I would be pleased to support the gentleman in that legislation. I join with him.

Mr. GROSS. I thank the gentleman.

I was pleased to read in the hearings on this legislation the statement of Mr. UDALL in connection with providing for affirmative congressional action on pay increases when he said:

> This would insure that there would be an actual vote on these new pay schedules developed through the machinery I am talking about.

However, the language of the bill, H.R. 13000, does not conform to his statement.

It occurs to me that if we are going to enact permanent law on this subject, we should remove any question as to whether the Congress has acted affirmatively with respect to pay increases for Federal employees. To do otherwise, as provided for in the present language of the bill, merely leaves us in a position of having to take the blame for any action of the Salary Commission without an opportunity to exercise any affirmative action with respect to its recommendations.

Mr. Chairman, I urge approval of the amendment.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I told the gentleman from Iowa frankly and I told the members of the Rules Committee that I had no really strong feelings on the amendment. I am inclined to oppose it. I do not think we should adopt the amendment, but I do not think it would destroy what we are trying to do.

But, Mr. Chairman, let us make very clear what is involved before we vote on it. We are trying to set up a semiautomatic procedure in which Congress does not have to hassle every year about pay raises. We are not giving up the policymaking. The Congress sets the policy in this bill. The bill tells a group of mechanics and bookkeepers every January to go out and check comparability of wages and bring in a proposal, which is then laid before the Congress, and it lays there for 30 days, and, if we do not veto it, it takes effect.

What happens is that every year in January or February we will have a chance to vote and say, "we love the Federal employees." I cannot imagine one of these things being voted down when a bipartisan group of labor and management has studied and said these things are necessary. I cannot imagine Congress voting it down. So we will be simply going through an act every year to say we love the Federal employees.

Now, as to the amendment—the main reason the labor unions are against it is that it brings in delays. The recommendation will be made in January or February, and if there is arbitration it lays there until March of each year, and if there is further delay, it will be May, and then it may be voted upon. So this will leave the budget and the pay situation in doubt between January 1 and May 1. For these reasons, I believe it would be unwise to adopt the amendment, but I did tell the gentleman from Iowa it was not vital. If the Congress wants to do this and waste the time each year confirming that our policy has been carried out, then let us do it, but we still have a chance to veto it. The mechanics of the bill permit Congress to take up the bill and vote against it, if Congress wishes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, this amendment writes out the retroactivity provision.

Mr. UDALL. Then this is an even stronger reason to oppose the amendment, and the employee unions would be even more bitterly opposed. I did not understand that feature.

Mr. Chairman, the problem is the lag we have of 15 months. We are behind in comparability now. We have tried to shorten that time, and it will still be more than 5 months behind. Each January we will catch it up to the previous August, but now the gentleman's amendment is going to make the lag even greater.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, is the gentleman saying we should tailor whether we vote on a bill, any bill, in accordance with whether the bankers' association, the bar association, or any other group wants us to vote? Is this the way the gentleman is suggesting the House should proceed on other legislation?

Mr. UDALL. No. What I am saying is that we ought to vote on important things. There are $5 billion worth of Wage Board adjustments made each year. We do not fix these things, because we have set down the policy and we have told the group of technicians and bookkeepers to check on the pay for a carpenter and find out the situation in the particular area and pay that, and we do not vote each year on that.

Mr. GROSS. But we could participate in it if we wanted to do so.

Mr. UDALL. Of course we could.

I am simply suggesting it is not all that important to saddle Congress with taking one afternoon or one day each year to vote on, and we do have a chance to vote if some outrage has been perpetrated.

Mr. GROSS. I have not reached the point where a $2.5 billion bill is inconsequential from the standpoint of my vote.

Mr. UDALL. Of course, we have not. But if the policy is fixed by the Congress, it can be carried out by the technicians.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Chairman, was not one of the major contentions of Postmaster General Blount for postal reform through setting up a Corporation this argument, that without a rate board outside Congress there is a time lag and a lack of control in wages in the postal system?

Mr. UDALL. Indeed. One of the purposes of the Postal Corporation is to get our hands out of the pot, to let us stop stirring the stew, and to have wages fixed in a different method than by having Congress fix them.

Mr. WHITE. So by the committee amendment we still have oversight over the wages, yet the Rate Commission speeds up and streamlines the process?

Mr. UDALL. Absolutely.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 49, noes 45.

Mr. UDALL. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. GROSS and Mr. UDALL.

The Committee again divided, and the tellers reported that there were—ayes 65, noes 51.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SCOTT: On page 24, line 12, strike out "adjusted" and insert in lieu thereof "reviewed"; and
>
> On page 28, lines 14 and 15, strike out "except as provided in subsection (e) and subsection (g) of this section,"; and
>
> On page 29, beginning with line 17, strike out all of line 17 and all that follows down through the end of line 19 on page 35 and redesignate the succeeding subsections accordingly; and
>
> Delete each reference to the Federal Employee Salary Board of Arbitration and members of such Board in the remaining text of the bill.

(Mr. SCOTT asked and was given permission to revise and extend his remarks.)

Mr. SCOTT. Mr. Chairman, I did not anticipate the action of the Committee just taken in adopting the amendment

proposed by the gentleman from Iowa (Mr. GROSS). Indeed I supported his amendment, but thereafter considered for a moment whether mine should be offered in view of the action of the Committee in adopting the Gross amendment. On comparison of the two amendments, however, it is still considered worthwhile for the Committee to consider and adopt this amendment.

Esssentially, what it does is it provides that the Commission shall be advisory only and that the report which it makes will have to be acted upon by the House. The Gross amendment adopted by the Committee would require a rollcall vote. The amendment now before you, however, would place the Salary Commission in an advisory role. It also eliminates the arbitration board. If the Salary Commission is going to be advisory only and if the Congress will have to act, as the Committee has just said it should. I see no purpose in having a board of arbitration. A Board of Arbitration to which any member of the Salary Commission can appeal if he is dissatisfied with the decision rendered by the Salary Commission is something that is not necessary in view of the adoption of the Gross amendment.

It seems to me we should ask ourselves a number of questions in the consideration of this legislation.

First, Mr. Chairman, we should ask ourselves do we want the President and the Congress to control the budgetary and the appropriation process, or do we want a commission to determine this. It seems reasonable to me to retain these processes within the control of the Congress and the President. It seems reasonable that when the President submits his budget to the Congress it should include salary adjustments for Government employees to be made during the fiscal year.

Mr. Chairman, it seems to me we might ask ourselves to whom the Government employee should turn. Should he turn to a commission for the adjustment of his salary or should he contact his Congressman as he has in the past?

What will we say to the employees or their representative if they come to us? Will we say, "Talk it over with the Commission"? Will we be bound by what the Commissioner reports, or will we treat him in the same manner as all of our other constituents at the time we consider pay adjustments?

Mr. Chairman, if we look at page 32 of the bill we can see that the findings of the Commission go into effect within 30 days after submission to the Congress. If, ultimately, the Gross amendment does not become the law—and I hope that it does become law—but in the event the other body or a conference between the two bodies strikes it out, I feel this amendment will be good insurance to take two bites at similar proposals. My amendment would make the Salary Commission advisory only. I think we show our concern for the Government employee when we say to him that the Congress will retain jurisdiction over the salaries of Government employees.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Ohio.

(Mr. LATTA asked and was given permission to revise and extend his remarks.)

Mr. LATTA. As I understand the gentleman's amendment, he proposes to give the Commission only review powers. Is that correct?

Mr. SCOTT. I would knock out the Commission being able to determine the salary of a Government employee. My amendment would change the word "adjusted" on page 24 to "review." In other words, it would not adjust the salaries. The Commission would review the salaries and make its recommendation to the Congress.

If the Gross amendment does become law it would take away a lot of the thrust of my amendment. I think, however, the two are consistent. My amendment would abolish the Arbitration Board. The Arbitration Board is a review board that is set up in the bill. First, the Commission determines the salary and this would be a recommendation only. Then we would have the Board of Review. The Congress under my amendment would do that rather than a Board of Arbitration. I see no need for a Board of Arbitration in view of the adoption of the Gross amendment, or if this amendment is adopted. My amendment would remove the Board of Arbitration but not the Salary Commission. In other words, we have two separate instrumentalities contained in this bill.

Mr. LATTA. Mr. Chairman, if the gentleman will yield further, I agree with what the gentleman is attempting to do. I do not think that as Members of Congress we ought to let any board or any commission do the job that we are sent here to do. I opposed the Salary Commission created to set salaries for Members of Congress. In my opinion this bill attempts to do the same thing for postal and other Federal employees. I think it is proper and fitting that we increase the salaries of postal and Federal employees but not to set up a commission to do it for us. This is our function as a legislative body—we should not delegate it.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(By unanimous consent, Mr. SCOTT was allowed to proceed for 1 additional minute.)

Mr. SCOTT. Mr. Chairman, I thank the gentleman for his comments. Let me say that I believe this Congress and this House over the years has abdicated a large measure of its responsibility. I think it is time that we reversed that trend and did the things that the people have sent us here to the Congress to do.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

(Mr. UDALL asked and was given permission to revise and extend his remarks.)

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment. I make two points against the amendment. As a matter of fact I should have raised a point of order to the amendment although I did not, because it really does some of the things or undoes some of the things that were covered in the Gross amendment and as a result thereof it is my opinion that we would have a confused hodgepodge if both were approved.

Mr. Chairman, I am really appalled that a distinguished Member who represents as many Federal employees as does the gentleman from Virginia (Mr. SCOTT) would offer this amendment, because it guts the entire work of the committee in salary fixing and the entirely new system of fixing pay which this bill sets up and establishes would be ruined, vetoed and rendered totally ineffective.

Mr. Chairman, all this bill provides for is salary fixing machinery and provides for study machinery. We have had study machinery since 1962 and under that system the Federal employees got further and further and further behind in Virginia until in 1967 we passed an act that set up some timetables and comparability guidelines that brought Federal employees up to full comparability.

If you want to ruin the postal and classified employees and put us right back in the committee and begin all over again and knock out the Federal salary fixing, just approve this amendment, because this is what it does.

If there is any Federal employee or any Federal employee organization that is in favor of this kind of amendment I cannot imagine who it would be.

Mr. Chairman, I strongly urge the defeat of the amendment offered by the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I will yield briefly to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, is the gentleman saying, when he talks about the amendment gutting the bill, and as being against the interests of the Federal workers, is the gentleman asking this body to believe that the Bureau of the Budget, that the Post Office Department, that the Civil Service Commission, that the Department of the Army, all of whom have representatives on the Commission, are more interested in the welfare of the individual employee than this body is? I do not believe that these agencies are more interested in the welfare of Government employees than their elected representatives.

Mr. UDALL. No; I am not saying that. What I am saying is that the Federal employee was 2 years, 3 years, or even 4 years behind in comparability. I have heard the gentleman say how terrible this is. The reason that situation existed was because we had no machinery for regular, annual, periodic adjustments in pay. We had some study machinery that the gentleman says we should have now. But this bill would establish the automatic machinery whereby it will make sure that we can carry out the policies that we determine we believe in. If we were to continue with the study machinery as suggested, and this study were completed next January, the way this Congress works there would not be a raise until many months later. It would be maybe August or September before we would get around to coming up with a pay bill based upon that study so again

that would be a year or two behind. That is what this bill is trying to avoid.

Mr. SCOTT. You are saying that the Commission would be more effective than this Congress, and I would submit that that is quite an indictment of the Congress, and the representatives of the employees and the people.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I do not rise too often to speak on the floor of this House. As the Members know, I am a relatively new Member. However, I must rise on a matter so vital and on which I am intimately acquainted.

Before I arrived here as a Member of the Congress I served for many, many years as a policeman, but prior to that I served as a postal employee for some 5 years. I personally regard my departure from that postal system as an escape. I regard it in this fashion facetiously, but the fact of the matter is that it is a proper characterization of my departure; it was an escape from a medieval system and a medieval approach to salaries.

Be assured the Commission, with executive powers, is necessary. The advisory nature of this amendment would emasculate the very purpose of such machinery which is so necessary to overcome omissions over the decades where Congress has not done its job, and that is the fact of the matter. Congress has failed to do it job and discharge its moral responsibilities to the Federal employees, and also to the neglected employees of the postal system of our Nation. That is why we find ourselves confronted with the most abysmal postal service and where we find ourselves confronted with a situation where postal employees are required in some areas of the country to engage in other endeavors in order to maintain a living wage.

Gentlemen, we have seen the unrest, we have seen the activities on the part of the postal employees of this Nation, and they are responsible people, they are dedicated, they are loyal Americans, but they are charged with the responsibility of fiscally maintaining our postal service. We only have to look across the Atlantic Ocean to Italy, where not too many months ago we found a postal strike in existence that tied up that nation before they obtained their benefits. Should we in the Congress be responsible for driving the postal employees of America to that same end in order to ultimately obtain the required benefits?

You and I know that if we permit these inadequacies to approach crisis proportions in this country then we are responsible for any similar job action. It is irresponsibility on our part to drive the employees to that point. Let us discharge our duties and our responsibilities here today by defeating this amendment—and fulfill our moral commitment to the postal as well as Federal employees.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

(By unanimous consent, Mr. UDALL was allowed to proceed for 1 additional minute.)

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I know of the great contributions that the gentleman from Virginia (Mr. SCOTT) has made to the Committee on Post Office and Civil Service, but I am sure he is mistaken in presenting this amendment.

As the chairman of the full committee, I have sat on many of the hearings, and have listened attentively to the proceedings. I have always thought that we should bridge the gap of comparability within the period of about 3 or 4 months.

I think it was explained by our able subcommittee chairman, the gentleman from Arizona (Mr. UDALL) when he said that if we delete that one provision from the bill and abolish the Arbitration Board, we will be more than 15 months away from comparability. So I rise in opposition to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and on a division (demanded by Mr. SCOTT), there were—ayes 27, noes 59.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. HUNGATE

Mr. HUNGATE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNGATE: On page 46, insert a new section 9 immediately following line 13, and renumber section 9 as section 10, as follows:

"SEC. 9. (a) Any person paid from a clerk hire allowance of the House of Representatives who travels to a Congressional district in a State other than the State of the member by which he is employed for the purpose of influencing in any manner the outcome of a Congressional election, including any future Congressional election, shall be paid for only one-half the pay period during which the Clerk of the House is informed of the activities as provided in subsection (b) of this section.

"(b) Any person paid from a clerk hire allowance who engages in activities described in subsection (a) of this section shall report such activities to the Clerk of the House no later than five days following the commencement of such activities.

"(c) If full pay for the pay period during which the Clerk of the House is informed of activities prohibited by subsection (a) of this section has been received by a person reporting as required by subsection (b) of this section, the Clerk of the House shall withhold one-half of said person's pay for the following pay period.

"(d) Any person paid from a clerk hire allowance failing to comply with subsection (b) of this section shall forfeit all right to any pay from the House of Representatives for a period of six months.

"(e) It shall be the duty of the employing member of a person paid from a clerk hire allowance who engages in activities prohibited by subsection (a) of this section to report the activity to the Clerk of the House if the activity is not reported as required by subsection (b) of this section."

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HUNGATE) in support of his amendment.

Mr. SCOTT. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Virginia rise?

Mr. SCOTT. Mr. Chairman, I make the point of order that the amendment is not germane to the bill that is being considered.

The CHAIRMAN. Does the gentleman from Missouri (Mr. HUNGATE) desire to be heard on the point of order?

Mr. HUNGATE. Mr. Chairman, I can hardly imagine anything more germane than this amendment relating to Federal employees pay in this bill having to do with the payment of Federal employees.

The CHAIRMAN. The Chair is ready to rule. The Chair would like to point out that the amendment offered by the gentleman from Arizona (Mr. UDALL) that was adopted, goes to the point of clerk hire in the House and also in the Senate. The bill having been opened up on that subject by the adoption of that amendment, and since the amendment offered by the gentleman from Missouri (Mr. HUNGATE) also addresses itself to the matter of clerk hire in the House, the Chair holds that the amendment is germane and therefore overrules the point of order.

(Mr. HUNGATE asked and was given permission to revise and extend his remarks.)

Mr. HUNGATE. Mr. Chairman, I urge support of this amendment. It is designed to prohibit campaigning by congressional staff paid from a clerk-hire allowance for candidates in congressional elections held out of the State of their employer's district. The amendment will accomplish this goal by penalizing those staffers in violation of the provision 2 weeks of pay, and in those instances where a staffer fails to report his activities, 6 months of pay.

Mr. Chairman, as President Nixon told those of us who were here yesterday.

The spirit of party grows more evident weekly in the National Capital . . . the call to partisan combat has grown more compelling.

I have in my hand the following letter dated August 27, 1969, which reads as follows:

DEAR BULL ELEPHANT—

I presume that refers to those in the cow districts—

Our Congressional Campaign Committee chairman, Bob Wilson, has asked me to head up our reactivated R.S.V.P. program (Republicans Speak on Vital Problems), concentrating our efforts in Democratic-held districts.

Last year it was constructive Republican alternative programs—I am not sure what we should make of that. Continuing:

We plan to send out three-member teams of Republican Congressmen into these districts on successive week ends between September 26 and November 8.

To make these visits a success, we need a number of topflight advance men to precede the panels into these districts, conferring with local party leaders, setting up the agenda for the visits, arranging for press conferences, et cetera. And that's where you come in.

If you can arrange it with your boss to get away from your office for a total of about 8–10 days during this period (the first 4–5 days coming several weeks in advance of the panel's departure and the second 3–4 days immediately preceding the group's departure), we can use you. Ideally, we're looking

for administrative and/or press aides with the maturity and experience to deal with party leaders at the state and local level and with the news media in these areas.

The Congressional Committee will pick up the tab on all your expenses, of course.

I interject here that this amendment would afford a further opportunity to pay their salaries as well.

Because this will be a sizable undertaking, involving planning, logistics and timing, we are trying to line up experienced advance men as soon as possible—and would appreciate it very much if you would advise me of your availability to advance one or more of the panels.

Now, it is no secret that the Republicans need all the help they can get in running for elective office, Mr. Chairman. But taking staff members, paid with tax dollars, to pursue the interests of the taxpayers in their employing Congressman's district, and sending them to campaign for candidates for elective office in completely unrelated districts is not justifiable.

For example, why should the taxpayers meet the salary of a staff member employed by a California Congressman while that California staff member is working in a South Carolina political campaign?

Mr. Chairman, we knew the Republicans were hard up for ideas, but we never knew they were hardup for money.

It may be argued that the amendment is not needed because of the sensational lack of success the Republicans have had in recent special congressional elections. But, Mr. Chairman, this may simply be part of the "southern strategy," which involves losing congressional races in Montana, Wisconsin, and Massachusetts.

Mr. Chairman, those not engaging in this practice would not be affected. I am sure the Members would agree with me that any who are engaging in this practice should be stopped.

I therefore urge adoption of this amendment, and a vote to support it is a vote to save tax dollars.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Iowa.

Mr. KYL. Would the gentleman's amendment apply also to employees of the Doorkeeper's office, the office of the Clerk of the House, and other such offices who are paid by taxpayers generally?

Mr. HUNGATE. This amendment is limited, as I think the Clerk read.

Mr. KYL. I do not disagree with the gentleman's amendment at all. Would the gentleman join with me sometime and try to get a similar amendment to control those other offices?

Mr. HUNGATE. I have tried to adopt a policy of giving conscientious consideration to all amendments offered. I will do the same for any amendment offered by the gentleman from Iowa.

Mr. HOGAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment as drafted has a broad brush effect which the author of the amendment does not intend. I happen to represent a district in metropolitan Washington and there are probably more employees of Members of Congress residing in my district than in any other district.

The result of the amendment as written would deny the individuals living in this district an opportunity to work for me or for my opponent in a political campaign. I do not think that this is the intention of the author of the amendment.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. HOGAN. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I believe the gentleman misconstrued the amendment. The employee actually can work any place in the same State, but the employee simply cannot go out into any other State in a political campaign. There is no harm in working for a Congressman.

Mr. HOGAN. But the employee who might be a legal resident of Missouri might live in Prince George's County, in my district, and might like to work for me or my opponent in a campaign. As I see it, the gentleman's amendment would preclude him from doing that.

Mr. HUNGATE. I appreciate the gentleman's suggestion. I believe he refers to something they do on their own time. I think with respect to the time they are paid for by the Government, for 3 or 4 days or 4 or 5 days out of State of the employing Member, that would be above and beyond donated time one may expect. I suppose they could take vacation time.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HOGAN. I yield to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I think the amendment offered by the gentleman from Missouri would not do any great harm, but it opens up a Pandora's box. I oppose the amendment offered by the gentleman.

Mr. HOGAN. I thank my colleague from Maryland.

I urge the defeat of the amendment.

Mr. WAGGONNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the gentleman from Maryland (Mr. LONG), who engaged in the previous colloquy, hit the nail on the head when he said an amendment such as this would open up Pandora's box. Consider in part for a moment what this proposed amendment does—and I know the gentleman from Missouri offers it with good intentions.

First of all, for example, the amendment prohibits under any circumstances a member of my staff, but not a member of a Senate staff, or a member of a committee staff, from going into a congressional district in any congressional district other than my home State, or in the instance of one of the gentleman's employees, in the gentleman's home State—unless at a sacrifice or penalty: It costs the employee one-half of his pay for that pay period.

I think it is probably unconstitutional. If he does not report to the Clerk of the House, as this amendment requires, he will lose 6 months' pay.

Consider some of the circumstances wherein every franchised and free American ought to have the privilege of doing what he wants to do politically. Every other Federal employee we are talking about giving raises to today has that privilege. Suppose a man is on a legitimate vacation, one that has been scheduled for months. He ought to have the privilege of doing what he wants to do on that vacation. He at least ought to be able to use that offduty time to engage in politics.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, the gentleman would recognize the Hatch Act does prohibit some activities for Federal employees that other people may engage in?

Mr. WAGGONNER. It absolutely does not when they are not on duty. They can engage in partisan politics when they are off duty.

Mr. HUNGATE. But the gentleman will agree there is a Hatch Act which affects Federal employees and not other employees.

Mr. WAGGONNER. Yes. But what the gentleman proposes here is far in excess of what the Hatch Act imposes on other Federal employees. Consider this. Consider the announcement just made by the Department of Defense the other day about the ability of the military to participate while off duty in elections. Suppose my administrative assistant is not a resident of the State of Louisiana, for example, but he is a resident of the State of Virginia, and he lives in the State of Virginia.

Are you going to tell me that in his authorized period of vacation he cannot participate in a congressional election in the State of Virginia? This amendment says he cannot.

If it is right for the Members of the House, why are we not going to put the same restriction on Senate elections or on presidential elections, just for an example?

This opens a can of worms nobody in this House wants to fool with.

Mr. Chairman, we are all engaged in the game of politics and we might as well recognize it. Let us not try to restrain people to this extent. It does not make sense. Vote this amendment down. It is totally unworkable.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

I should like to express two or three thoughts to the Members.

One is, the committee did not study this amendment. It takes no position as a committee on it.

My own view is that the Republican campaign committee had a rather ill-conceived program to send out staff people, who are paid some pretty handsome salaries, to go out for several days at a time into the congressional districts of our own colleagues.

I had the honor of one of them from a colleague of our own State (a Member of this body) sending out paid staff people into my hometown to tell my voters perhaps they were making a mistake keeping me in the Congress.

This would not be outlawed under the amendment. The amendment would permit this practice to continue. It would permit Members to send AA's all over the State. It would simply say I could not send my staff people into Louisiana or into Michigan or into some other State to campaign.

I recognize the practicalities. We are all in politics. It is hard to draw the line between what staff people do in politics and out of politics.

I would hope that the practice of this kind, that gave rise to this amendment, would be given a pretty hard look by the members of the other party. Two can play this game. It is a very poor policy to have the taxpayers pay their money for this. I pay my share of taxes, and I resent paying to have a man go 2,000 miles to another State to help defeat a Member of the House.

I am going to vote against the amendment. As I say, the committee has not taken a stand on this.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

This is a fascinating amendment. It really ought to intrigue all Members of the House. It is not as one sided as it might appear.

May I say in passing, I have the greatest of respect for the gentleman from Missouri, who offered the amendment. I remember the day when, with great courage, he marched into the well of the House and took on the entire Press Gallery, which few of us would have the courage to do. It is not surprising he will today take on the entire House membership with such a proposal.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Missouri.

Mr. HUNGATE. I would say the gentleman is paying tribute to my courage but certainly not to my judgment. I appreciate his comments.

I do mean this to apply equally to both sides of the aisle. I recognize what the gentleman says. On this side of the aisle I am sure he can recognize it more easily than I can.

Mr. DERWINSKI. I want to commend the gentleman for his judgment. I do not believe his judgment is any worse in offering this amendment today than it was when he took on the press.

I do wish to point out that we just have to appreciate what goes on in reality. We do not suppose for a minute, when Senator KENNEDY traveled about the country, that staff has not been involved. I even have a sneaking suspicion that some of the more brillant statements issued by the Democratic Study Group are the work of staff people, just as their other activities obviously are the work of staff people.

I would think, if we want to prohibit staff people from any participation in politics at all, we had better shake up this entire operation of ours. Even the press releases that will be flowing into the galleries all night long this day are politically prepared by staff people, going far beyond the district of an individual Member.

This is not really too bad an amendment. I would not mind supporting it on the ground it would confuse this bill and make it less acceptable further down the line.

I believe, in all reality, the political facts of life being what they are, this amendment would not help Democrats and would not help Republicans. It would just upset the present rules of the game.

If the gentleman from Missouri gets clearance from the leaders on that side I will have a few amendments to try to clean up his amendment, but really I think we ought to appreciate the unusual significance of this imaginative amendment.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield further?

Mr. DERWINSKI. Yes. I will yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I appreciate the statement of the gentleman that it would not be helpful to Democrats or Republicans, but I submit it might help taxpayers.

Mr. DERWINSKI. By gosh, if I thought we would do anything to help taxpayers, I would rally to the cause. But just think of the damage we are doing to the taxpayers with this bill to which the gentleman is offering an amendment. If we postponed the entire bill, we might be doing the taxpayers a real favor.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. HUNGATE) there were—ayes 48, noes 55.

So the amendment was rejected.

COMMUNICATION FROM NORTH VIETNAM

Mr. MORTON. Mr. Chairman, I move to strike the last word.

(By unanimous consent Mr. MORTON was allowed to speak out of order.)

(Mr. MORTON asked and was given permission to revise and extend his remarks.)

Mr. MORTON. Mr. Chairman, a few moments ago there was handed to me by a messenger from the White House a letter from the Premier of North Vietnam, Pham Van Dong. The letter was sent from Hanoi in Vietnamese to Paris and transmitted from Paris to the United States, 1317 Greenwich mean time, October 14, 1969. It says:

DEAR AMERICAN FRIENDS: Up until now the U.S. progressive people have struggled against the war of aggression against Vietnam. This fall large sectors of the U.S. people, encouraged and supported by many peace- and justice-loving American personages, are also launching a broad and powerful offensive throughout the United States to demand that the Nixon Administration put an end to the Vietnam aggressive war and immediately bring all American troops home.

Your struggle eloquently reflects the U.S. People's legitimate and urgent demand, which is to save U.S. honor and to prevent their sons and brothers from dying uselessly in Vietnam. This is also a very appropriate and timely answer to the attitude of the U.S. authorities who are still obdurately intensifying and prolonging the Vietnam aggressive war in defiance of protests by U.Y. and World Public opinion.

The Vietnamese and world people fully approve of and enthusiastically acclaim your just struggle.

The Vietnamese people demand that the U.S. Government withdraw completely and unconditionally U.S. troops and those of other foreign countries in the American camp from Vietnam, thus allowing the Vietnamese people to decide their own destiny by themselves.

The Vietnamese people deeply cherish peace, but it must be peace in independence and freedom. As long as the U.S. Government does not end its aggression against Vietnam, the Vietnamese people will persevere in their struggle to defend their fundamental national rights. Our people's patriotic struggle is precisely the struggle for peace and justice that you are carrying out.

We are firmly confident that, with the solidarity and bravery of the people's of our two countries and with the approval and support of peace-loving people in the world, the struggle of the Vietnamese people and U.S. progressive people against U.S. aggression will certainly be crowned with total victory.

May your fall offensive succeed splendidly.

Affectionately yours,

PHAM VAN DONG,
Premier of the DRV Government.

Mr. Chairman, all of us in this House have vigorously supported the right of dissent. We have supported the right of people to express themselves in assembly. I think we had better in this case—in the so-called moratorium—be very careful that we do not fall into a trap which has been set here so cleverly by the Communist leader of North Vietnam.

We had better think a long time if we use this moratorium for any other purpose than to rededicate ourselves to the support of the President of the United States and the national policy of this country which he so eloquently and so magnificently has articulated.

Mr. DOWDY. Mr. Chairman, as a preface to these few words, I would relate that I was one of those who felt at the time we got involved in Vietnam, and so stated, that it was a mistake to involve American troops in a long war in Asia. That has been an American military maxim since the 19th century. However, that is water under the bridge. We did become so involved. We are there. Our country is at war, and we ought not forget it.

With that out of the way, I will proceed to the point of my remarks today.

Mr. Chairman, many words will be spoken today and tomorrow in fawning support of our North Vietnamese and Vietcong enemy. This may even cause some wonder whether patriotism is dead in America. I say it is not. I shall give just one example; I know there are countless others.

Five years ago we had a page on the floor of this House from Conroe, Tex. Many of you will remember him, Jimmie Edwards. I have known Jimmie since he was 10 years old. He would rather these remarks not be made, but because of the current pro-Vietcong demonstrations, I believe I should speak, and he will forgive me.

After service as our page, he returned to Conroe to complete his high school education. He then enrolled in college, making excellent grades. But his country was in trouble—it was at war in Vietnam. As a university student, the draft

was not pressing him; he was 20 years old, a junior in the university. But his country needed him; he heard the call. He was eligible for officer training, but turned it down to voluntarily enlist in the U.S. Marine Corps as a private.

He felt the need for fighting men, and that the need was current, and in Vietnam. Last February he enlisted; on August 5 he arrived in Vietnam as a Marine private; on August 6 he celebrated his 21st birthday at An Hoa, 27 miles southwest of Da Nang.

During the ensuing days, Jimmie participated with valor in the military action. On one occasion he prevented the death or capture of himself and his buddies by an enemy officer who had approached to within 10 feet of where they were resting from exhaustion. The enemy had already raised his gun to shoot when Jimmie shot faster. Jimmie was not afraid to do his duty for his country.

Then, on August 19, Jimmie and several other marines were hit by enemy rockets. I understand all were killed, save Jimmie and one other. Jimmie lost both legs, and received other wounds. He is now in the U.S. Naval Hospital, Oakland, Calif. Corporal Edwards has been awarded the Bronze Star with valor, for his service rendered during his 2 weeks in Vietnam.

Jimmie is not discouraged. He is a man. He does not feel sorry for himself. He will walk again, and will feel that he is still on his own two feet, even if they will be artificial. Jimmie would return to Vietnam, if the Marine Corps should feel he could serve.

Jimmie hopes to be home for Christmas, and perhaps walking. Knowing him, I believe he will. And when he is able, I want him to visit us in Washington in order that those of you who knew him as a page may renew your acquaintance with a real square, a patriotic young American.

And I believe Jimmie would join with me in recommending a poem, author unknown to me, to those who are in sympathy with the demonstrations favoring the Vietnamese Communists:

No man wins when freedom fails—
Good men rot in filthy jails;
And those who cry, Appease! Appease!
Are hung by those they tried to please.

Mr. Chairman, I include as part of my remarks the article by Joe Parsley concerning Cpl. Jimmie Edwards, which appeared in the August 27 issue of the Conroe, Tex., Courier:

JIMMIE C. EDWARDS WILL WALK WITH COURAGE, WISDOM, GLORY

(By Joe Parsley)

Jimmie C. Edwards III is a square.

He's the kind of square that makes the hackles on the back of your neck stand at attention . . . the kind that makes the tears well up in your eyes and shout to your maker, "Thank God he's a square . . . just give us more like him."

Jimmie is the kind who wears his heart on his shirt sleeve rather than buried from other people in his chest. He feels. He knows others feel, and he pours forth compassion for their feelings.

Jimmy knows obligation for the many blessings which have come his way. He knows a better world is possible, and he was willing to take a chance to find that better world for all of us.

So he went forth when he didn't have to. With all the love, help and influence of this nation's capital at his disposal, he set it aside and volunteered at the very bottom as a U.S. Marine.

His reasons? Jimmie had a number of them, and all of them were good. They were based on sound logic. They were based on love of his country. They were based on his country's needs. All of them boiled down to patriotism.

The principal who knew this young man so well through high school said yesterday, "Jimmie undoubtedly was the most patriotic youngster I've ever known." Everything he added after that sounded insignificant.

Jimmie went into the Marines as a lowly buck private about the middle of last February. He left a promising career as an attorney while a junior student at the University of Maryland to volunteer as a Marine. There was no pressure on him.

He underwent basic training at Parris Island, then on to Camp LeJeune before his transfer to Vietnam.

"I'm a grunt," he wrote mom and dad, Mr. and Mrs. Jimmie C. Edwards Jr. of Conroe. "That's the lowest thing there is. But I love it."

Jimmie was offered officer training school three times. He shook his humble head from side to side each time. "I know where the need is, and I want to be there."

Yep. Jimmie is a square. So square in fact that in April of 1964 he was appointed as a Page in the U.S. Congress by Rept. John Dowdy. By June he had worked his way up to the envied post as assistant overseer in that famous lawmaking body. And in early July he was elevated to the position of Overseer of other Pages.

Jimmie was so square that admiring Congressmen insisted he serve them during the Democratic National Convention at Atlantic City, N.J. starting August 24, 1964.

He served them well. This slip of a lad numbered among his close friends the men whose faces and names we read about daily as shapers of history and our destiny. To them, Jimmie was "something special" because you see, Jimmie is a square.

The lad was happy and delighted with his pre-law course at the University of Maryland. It was aiming him in the direction he wanted to travel. Toward law, toward politics.

As a student, Jimmie also held a good job by Presidential sanction in the U.S. Post Office in this nation's capital. And not only did he carry his full college course after working from 4 a.m. to 9 a.m., he also worked weekends at a stable. He was quite a horseman on the side, and held many trophies which commemorated his equestrian accomplishments.

But this was not enough for Jimmie. He was a square. And as a square his soul burned with an obligation which he felt was "now."

That need was in Vietnam. He was so very close, both logically and emotionally with this nation's need in that faraway country. The full life around him seemed hollow, so long as that need existed.

We're sure he fought the demands of that command within him. That's only human nature. But some commands are so strong you can't ignore them.

You must set aside the fears, hopes and desires of parents and other loved ones. Obligations must be fulfilled.

So Jimmie volunteered. There was no other course. After training, this square reached Vietnam on August 5. He was sent immediately to An Hoa, which is 27 miles southwest of Da Nang, and arrived there on August 6, his 21st birthday.

"It was a helova celebration," he wrote. His outpost went under seige that same day.

The rocket blasts which scream warnings at you were almost continuous. And the mortar barrages which slip upon you silently terrorized the group. But Jimmie lucked out until August 19 . . . two short weeks after his arrival.

Then it happened.

The rocket was almost a direct hit. It knocked this square's legs out from under him. Shrapnel wounded his hands, tore at one ear and penetrated his lungs.

He and one buddy were the only survivors of 10 or 12 in his bunker.

His buddy was left blind, one-armed and without legs.

All this time a terrifying premonition had been haunting both Mr. and Mrs. Edwards here in Conroe. "I know something's wrong," they told friends before the Marine sergeant reached their home on August 21.

"I knew what he had come for before we reached his car," Jimmie's father said. "I only wanted to know the truth at that moment, and I insisted on it.

"And he told me that Jimmie was wounded critically. He also told me he would face a series of serious operations, that he had been evacuated to the Philippines for further treatment and would be sent on to where the best medical services would be available for his particular needs."

The parents have talked to their son by phone in a conversation which required the ultimate in self-control. You can imagine how they treasure that conversation.

"When our son walks again," his parents said, "it won't be on his own feet. But he will walk with courage, and wisdom, and glory . . ."

AMENDMENT OFFERED BY MR. ABERNETHY

Mr. ABERNETHY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ABERNETHY: Strike out section 2 and section 3 in their entirety and remember the succeeding sections accordingly.

Mr. ABERNETHY. Mr. Chairman, first, I would like to associate myself with the remarks made by the gentleman from Maryland (Mr. MORTON). I think it is very unfortunate that this "talk-in" has been scheduled in the House for today or for any other day. The same applies to the demonstrations that have been scheduled to take place over the country tomorrow. I cannot help but—in fact, I know—that such will do nothing more than strengthen the dedication of North Vietnam to continue this war. It will prolong the war and result in the killing of more American sons. I hope that what has been planned here for tonight will be called off. It cannot help our cause but will give a big lift to North Vietnam.

Mr. Chairman, it is not often that I intervene and offer amendments to legislation that does not come from my own committees. But this is an amendment that I could not let go by.

If there is anything that this Congress has been criticized severely for it was the enactment of the Congressional, Executive and Judicial Pay Commission which was included in the last pay bill that came before this body.

I dare say, Mr. Chairman, that if a poll had been taken of the people of this Nation when that provision was included in the bill a few years ago, it would have been overwhelmingly disapproved. It was very unpopular. It was regarded by the people of the Nation as a means of ducking our responsibility in passing upon our salaries as well as the salaries of the Cabinet and of the judicial branch. And, indeed, I regarded same as just that—a duck, a dodge, an unwillingness to face up to our responsibility.

I realize that the amendment which was offered by the gentleman from Iowa

(Mr. GROSS), considerably improved the situation insofar as this Commission is concerned. It requires that the Commission report come back to the Congress and that the Congress may approve or disapprove that which has been recommended by the Commission. May I also point out that this Commission is stacked to begin with. Its makeup will be such that the employees will almost have complete control of determining their own salaries. If we are to have a commission then certainly it should be unbiased.

Leaving the Commission in the bill even as amended by the Gross amendment—which I concede is an improvement—exempts the committees of the Congress from making their own studies and from taking testimony and denies the Congress the right to amend the Commission's recommendations. In my judgment, Mr. Chairman, this Commission is a mistake. And do not forget it, the people will let you know about it.

Striking the Commission from the bill will not hurt it. The employees who are intended to be helped by the bill will still be helped. The bill will still retain the present language contained in sections 5301 and 5302 of title V of the United States Code under which the policy of pay comparability is established, and under which annual reports on pay comparability are submitted by the President. The amendment will retain in the bill the sections dealing with the two-step advancement for postal employees in the first eleven levels, the accelerated advancement for postal employees, remote worksite allowances and subsistence and allowances for the Corps of Engineer floating plant operations.

All the amendment does is just get rid of the Commission. Let us take it out and continue to face up to our responsibility.

(Mr. ABERNETHY asked and was given permission to revise and extend his remarks.)

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment essentially strikes out all the operative parts of the bill. The bill is designed to have an automatic salary fixing method by next January. If this amendment is adopted it means there will be be no pay increase in January. It would wipe out a year's hard work by the committee, and it violates the aims and hopes of every employee organization, including the postal employees and the classified employees.

If you want to improve the postal service, then support the committee in the fine work it has done in producing this bill and vote the amendment down.

Mr. Chairman, I hope that the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. ABERNETHY).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DERWINSKI: On page 46, line 19, strike out "October 1, 1969" and insert in lieu thereof "the date of enactment of this Act".

Mr. DERWINSKI. Mr. Chairman, this amendment is so brief that I do not believe it will be necessary for me to use the 5 minutes.

All this amendment does is to postpone the effective date of this act from October 1, 1969, until the date of enactment. This applies to the October 1 two-step pay increase that would be granted to post office employees only.

The reason for offering this is quite practical. We are now in the third week of October. We have no idea how rapidly or how slowly the other body may pick up this measure. Certainly, it is not the intention, I do not think, of even the most militant supporters of this bill to find a situation where it may not be processed until next February or March and then have a 5- or 6-month retroactive pay increase. That is not really a sound procedure. At the time October 1 was selected, we were working on the bill in committee at the end of July and early August and I do not at this point see how we could in a rational manner maintain the October 1 date.

In the intereset of injecting more rationality into this proposal, I offer my amendment.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, last July the postal employees received an increase of about 4 percent. The classified employees received a pay increase of some 9 percent. A great flurry occurred and many of us promised some emergency action. The action we designed in committee was expressed by the two-step increase which would give them some relief.

As the gentleman from Virginia (Mr. BROYHILL) pointed out, the pay of the postal worker in the Washington metropolitan area is now more than $1,000 below what the BLS statistics indicate it takes to provide a low standard of living for a family of four. But the gentleman from Illinois' amendment would delay this even further.

I strongly urge that this amendment be defeated. It is unfair and inequitable.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. DERWINSKI. Just for the sake of the record, I would point out that under the leadership of the gentleman from Arizona, the postal employees received a pay increase in the first two steps under the 1967 Salary Act in excess of the classified employees. The third-step figure was really a basic adjustment to cover the pay of classified employees for extra increase that the postal employees received earlier. I do not believe they are being discriminated against.

Mr. COLMER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have hesitated all afternoon to refer to this matter, but I just cannot in good conscience refrain from doing so now.

I do not know whether these figures have been brought out or not, but I think in fairness and in justice they should be. I refer to the additional cost to the taxpayers of this country of this bill—and they are the only source that we have for getting the revenues for this bill.

Now like everybody in this House, I love my postman. I like his vote. I like his good will and I like the organization as such. But when I am faced with the fact that we are now paying $42 billion for salaries of Federal employees, and I hasten to add that $16 billion of that is for the military—$26 billion of that is for Federal employees, civilian employees. I think it is time to consider the impact on our fiscal affairs and particularly on the inflationary situation. When this bill was up before my committee, I called the director of the Bureau of the Budget and asked him if he could give me the figures about what this bill would add to the existing cost. Here is his reply.

The cost of the pay increase for 1969—$3.3 billion.

The cost of the pay increase for last year, July 1968—$1,800,000,000.

The cost of the bill H.R. 13000 for fiscal 1970 is $1,539,000,000—the increase—and for fiscal 1971, $4,351,000,000, or a total of $5,910,000,000. That is the increased cost of this legislation for the next 2 years. Now add to that an anticipated deficit of $1.5 billion and you have a grand total of some $7.5 billion.

We talk about inflation. The greatest enemy that this country faces today, I want to repeat, is inflation. It is greater than communism. It is greater than the trouble we have in Vietnam. It threatens the Republic itself.

What are we going to do about it? We are either going to destroy the economy of this country through inflation, or we are going to do something about it.

Mr. Chairman, I hate to repeat the statement, but the 1939 dollar today has purchasing power of less than 39 cents. How long can you continue that? When inflation finally deals its death blow, then the wheels of industry stop. Everything stops—the postal employees, the Federal employees, Members of Congress—everybody. And everything stops. Chaos ensues.

I know it is not adding to an popularity that I might have, if any, in this body, nor in the galleries, nor at home to make this speech over and over again. But I still repeat that we are either going to apply the brakes somewhere—and I do not want to apply them here any more than I do anywhere else. We will be driven to wage and price controls. I wanted to apply the brakes back there when we raised our salaries through some kind of—I do not want to use the word "gimmick" but the provision in that bill that is in this bill that did not permit a vote on the increase. We made ourselves vulnerable to every group n the country when we did that, and we are making ourselves more vulnerable now.

I apologize to my colleagues in the House for going over this again and again, but I just could not sit here without at least permitting those who are not familiar with this situation to know what we are doing here.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

A short time ago a gentleman from New York, a relatively new Member, said he was a former postal employee, and the Congress had neglected to do much for the postal employees. I must challenge him on that statement and point out to

him that from 1955 through October of 1967 there have been 10 postal employee pay raises that this Congress has enacted and have become law. The last one was a three-phase increase.

In addition, there have been many fringe benefits that have come out of our committee. One of the most attractive for Federal employees has been the health benefits plan, and I could name dozens of others.

We cannot do this job all at once. Maybe the raises should be higher than they have been in the past, but we were careful to write a bill that would pass and become law. We have made a great deal of progress, however, particularly under the leadership of our friend Jimmie Morrison, who was a great champion of the postal workers—the greatest champion they ever had and would have become chairman of the committee but he was defeated.

I might say, sitting here and listening, I have heard a great deal of talk about the raises for the postal employees and not enough on the fact that we also have a large number of classified employees. As a matter of fact, approximately only about one out of every four employees is a postal worker, and the vast majority of Federal employees are classified people, and they are not at all satisfied with this bill.

The president of the classified employees' union, that is the American Federal of Government Employees, John Griner, is not at all satisfied with this bill, because it does not treat the classified employees he represents on an equal footing.

I might say there had been some bidding between the various Government employee unions to be members of the executive committee of the parent AFL–CIO, and the two largest postal unions were fighting for that appointment. But in the last few days, Mr. John Griner was elected to that post. It is the fastest growing union and represents at least three out of every four Government employees. They are not satisfied with this bill. I think this should be brought to the attention of the House. Regardless of how some of the Members vote, those are some facts the Members should know.

I will reiterate that we have worked long and hard in drawing up these pay bills. I voted for all of them in the 13 years I have been here. I helped write them. Jimmie Morrison and I and a couple of other members and clerks and staff wrote many of these bills in the Congressional Hotel at night over dinner or at a breakfast meeting in the morning. We worked and sold other members of the committee. We got the necessary votes lined up to get these bills passed.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, I ask the gentleman for information. There have been many statements about this particular bill being discriminatory against other Federal employees. Could the gentleman be more specific and tell me just how this bill is going to be discriminating against classified employees and others?

Mr. CUNNINGHAM. Mr. Chairman, the author of the bill and Members of that subcommittee probably could better answer that than I, but I do know Mr. Griner, the President of the AFGE, and his associates do feel that definitely it is discriminatory against the classified people. That is about as much as I can say.

Mr. MYERS. But this is only a general and broad statement. Is the gentleman not able to be more specific then?

Mr. CUNNINGHAM. No, other than a general statement that the bill does discriminate against the classified workers.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, in reply to the request of the gentleman from Indiana for information, this bill provides within-grade increases for postal workers effective on the first of October and also provides a step increase for postal workers next July. No such provision is made for classified workers or any other Government employees, so the postal workers get increases over and above any raises provided in the annual reports of the Salary Commission established by the bill.

Mr. MYERS. If the gentleman will yield further, it is my understanding the postal workers have not been raised previously when other workers have been. Is this true?

Mr. CUNNINGHAM. It is just the opposite.

Mr. MYERS. I thank the gentleman.

Mr. BIAGGI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in responding to the gentleman from Nebraska, I congratulate the gentleman for having voted for the postal increases over the years. My observation, however, remains steadfast. Congress has failed to discharge its obligation to the postal employees of the Nation. I would like to point out those increases have been many, but they have been small.

It is a perfect illustration of too little and too late, that is perfectly demonstrated by instances where postal employees in the city and State of New York have applied for and have been eligible for and have received welfare payments in order to eke out a meager existence, and provide for their loved ones.

The point is raised that an increase of this type, the passage of this bill, would contribute to inflation. My good friend, the gentleman from Mississippi, cites it as the primary problem of the day. I could not agree with him more.

However, what is even more important is the continued existence of employees and their families and providing them with a decent salary.

We talk about efficiency in the postal service. There is an exodus that is frightening—losing our most experienced personnel. The future holds no promise, except that we pass this bill and provide economic stability, economic motivation for remaining in the postal service.

What the real problem has been over the years is that there are regional differences, regional variances in motivation. In some areas postal employees have the support of their Congressmen because the economics of the area mandates it. In other areas the postal employee has enjoyed a superior position. As a result of this dichotomy, this division in the Nation, Congress failed to respond properly. It responded, but failed to respond properly.

This is an occasion when Congress can respond and perform a service for the Nation and to postal employees as well as the other deserving Federal employees.

Mr. OLSEN. Mr. Chairman, I move to strike the requisite number of words.

(Mr. OLSEN asked and was given permission to revise and extend his remarks.)

Mr. OLSEN. Mr. Chairman, I wish to address a question to the chairman of the subcommittee, the gentleman from Arizona (Mr. UDALL).

I would ask the gentleman to explain the operation of the Wage Board and tell how many employees are governed by Wage Board salary controls on an annual basis, and describe that with relation to his bill.

Mr. UDALL. Mr. Chairman, there are 740,000 Federal workers, paid by the United States whose pay is fixed by the Wage Board system.

These are regional boards which are designed to have representation from management and labor. They are based upon a congressional policy that is a hundred years old, formed back in the 1860's.

The congressional policy is that a carpenter, a sheet metal worker, or a plumber who is a Federal employee ought to make the same hourly wage as a carpenter, sheet metal worker, or a plumber in private enterprise. So these boards meet and determine what is the prevailing wage for that particular skill in that area.

These decisions never come to Congress. Over $4 billion will be paid out this year under the Federal Wage Board system.

This bill now before us has a Federal Salary Commission for the remaining Federal workers which is designed to have labor representation on it. This is one of the complaints they have had—that they have never been consulted on the mechanics of making pay comparable. It has management representatives from the Department of Defense, the Bureau of the Budget, the Postmaster General, and the Civil Service Commission. They sit down and determine what figures are necessary, what pay scales are necessary, to carry out this great congressional policy of comparability.

So they are very analogous. They work in the same way. There is no delegation here that is not in the Wage Board system. In fact, under the bill here they would have to come back to the Congress, and we would have an opportunity to veto, something we do not have under the Wage Board system.

Mr. OLSEN. I thank the gentleman.

I believe every Member ought to get this clear. This is not something new. This started under President Lincoln. That is how long ago it was that the Wage Board policy was established, that carpenters be paid the same working for

the Federal Establishment as they would be paid in private enterprise.

We want to do that sort of thing with all the rest of the Federal employees, so that we do not have to climb this hill ever year, or worse, to climb it every 4 years when the increase would be so much higher. We would like it to happen once every year, so that it would be much more manageable than at the less frequent time. We want it handled using the mechanics of the statistics coming out of the Bureau of Labor Statistics.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I certainly will.

Mr. GROSS. Many, many things have been blamed upon Abraham Lincoln. Is the gentleman going to blame the Wage Board on him, too?

Mr. OLSEN. The program commenced under his administration.

Mr. GROSS. Will the gentleman yield further?

Mr. OLSEN. Yes.

Mr. GROSS. Is it not true one Member of Congress tinkered with the Wage Board last year and he is no longer among us here in the Congress?

Mr. OLSEN. I have not any knowledge of that at all. There were a number of Members of Congress who were beaten at the polls and some who died since the last wage bill.

Mr. UDALL. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto cease in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Chairman, I ask unanimous consent to withdraw my request.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

COMMUNICATION FROM NORTH VIETNAM

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words.

(Mr. FRELINGHUYSEN asked and was given permission to proceed out of order.)

Mr. FRELINGHUYSEN. Mr. Chairman, I am very reluctant to interrupt a discussion of this bill, but I did want to call the attention of the membership to a UPI news item. It has a time of 4:10 p.m., which confirms the fact that an open letter has been sent by North Vietnam Premier Pham Van Dong to the American people. It also shows that this moratorium has been enthusiastically endorsed by the Foreign Minister of North Vietnam, Madam Binh. Let me read the account from Paris.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman, of course.

Mr. UDALL. I have promised a number of Members who have problems to try to complete this bill as expeditiously as possible. I did not expect when the same subject was broached earlier and the entire communication was read by the distinguished gentleman from Michigan that it would again be introduced here. There are some who are going to have a discussion of this matter later tonight. I am very fond of the gentleman from New Jersey and I am reluctant to object——

Mr. FRELINGHUYSEN. I very much appreciate the gentleman's kind comments. However, I have apologized for speaking out of order, and I did receive unanimous consent to do so.

Mr. UDALL. I did not hear the gentleman's request.

Mr. FRELINGHUYSEN. And I can yield no longer, because the gentleman is taking up my time.

The CHAIRMAN. The Chair will state that the gentleman did receive unanimous consent to speak out of order.

Mr. FRELINGHUYSEN. As I was saying, Mr. Chairman, this is the article. North Vietnamese Premier Pham Van Dong, whose regime is banking on U.S. public pressure to force Washington into accepting Hanoi's negotiating demands, acclaimed the Vietnam moratorium day in an open letter today to the American people:

> The Viet Cong's Foreign Minister Madame Nguyen Thi Binh, in a separate statement, also hailed the moratorium scheduled for Wednesday and renewed standing communist accusations that Washington is bent on prolonging the war.
>
> Madame Binh, in her statement, cheered the day of protest and issued a new call for the total and unconditional withdrawal of U.S. troops from South Vietnam and the toppling of the Saigon regime.

The news item then continues, and I quote:

> "Your struggle is a noble reflection of the legitimate and urgent demands of the American people, which is to safeguard the honor of the U.S. and save its children and brothers from a useless death in Vietnam," Dong said to antiwar demonstrators.
>
> He praised the moratorium as a "worthy rebuff to the obstinate attitude of the U.S. administration in intensifying and prolonging the war in Vietnam, ignoring the protest of public opinion in the U.S. and in the entire world."
>
> The Premier's letter, apparently prepared in advance of his current trip to Moscow, was sent from Hanoi and released in Paris by the North Vietnamse delegation to the Vietnam Peace Conference.
>
> "The people of Vietnam and the people of the world wholeheartedly approved and acclaim the just struggle" of American war protesters, Dong said.

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from North Carolina.

(Mr. MIZELL asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DERWINSKI: On page 46, after line 22, insert a new section to read as follows:

"SEC. 10. Section 225 of the Federal Salary Act of 1967 (81 Stat. 642; Public Law 90–206), which established the Commission on Executive, Legislative, and Judicial Salaries, is hereby repealed.

"(b) Section 216 of such Act (81 Stat. 638; Public Law 90–206) is amended by striking out 'and subject to the operation of section 225 of this title,'.

"(c) Section 220(a)(1) of such Act (81 Stat. 639; Public Law 90–206) is amended by striking out '224 (a) and (b), and 225' and inserting in lieu thereof 'and 224 (a) and (b)'.

"(d) Section 220(b)(1) of such Act (81 Stat. 639; Public Law 90–206) is amended by striking out '219, and 225' and inserting in lieu thereof 'and 219'."

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, that it be printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

POINT OF ORDER

Mr. UDALL. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. UDALL. Mr. Chairman, the amendment offered by the gentleman from Illinois seeks to amend section 225 of Public Law 90–206. This was the 1967 Salary Act. That Salary Act created a 4-year Commission to make recommendations on legislative, congressional, judicial, and executive salaries. This is an amendment to that act and would abolish that Commission.

There is nothing in this bill now pending before us, the present bill dealing with the Salary Act of 1967, or with the section to which the amendment refers—and the pending bill was very carefully designed so it would not affect that law in any respect whatever—and I suggest that the amendment is not germane and insist upon my point of order.

The CHAIRMAN. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. DERWINSKI. I do, Mr. Chairman.

Mr. Chairman, the gentleman from Arizona is correct when he points out that this amendment would repeal the Commission on Executive, Legislative, and Judicial Salaries. But we had anticipated the point of order and in response to the point of order made by the gentleman from Arizona I cite section 2935, volume 8 of Cannon's Precedents of the House of Representatives:

> The rule on germaneness does not necessarily require that an amendment offered as a separate section be germane to the preceding section of the bill or to any other particular section of the bill, but it is sufficient that it is germane to the subject matter of the bill as a whole.

Earlier in this discussion there was a colloquy between the gentleman from Iowa and the gentleman from Arizona in which I understood him to acknowledge the fact that this bill before us was certainly locked into the 1967 Federal Salary Act.

This section I would strike by this amendment was in the 1967 Salary Act.

Further, Mr. Chairman, another point in favor of the precedent is that in the ruling in the first session, 66th Congress by Chairman Simeon D. Fess a point of order was made that an amendment was not germane to the section of the bill which it was proposed to follow. The Chairman ruled as follows:

The Chair stated in the preceding ruling that the rule governing germaneness of amendments required that amendments be not only germane to the bill but to the section under consideration. This amendment is offered as a new section and stands not in the same relationship as if it were an amendment to the section. * * * It is not a part of the preceding section and does not need to be germane to it, and therefore the Chair overrules the point of order.

And, since I offered an amendment to the Federal Salary Act of 1967, the provisions of this bill clearly relate to this act and this proposed legislation addresses itself to the matter of Federal employees pay, employees of the House of Representatives, and so forth. I believe that my amendment falls within this context.

I submit, Mr. Chairman, that the amendment is germane and that the point of order be overruled.

Mr. GROSS. Mr. Chairman, may I be heard briefly on the point of order?

The CHAIRMAN. The Chair recognizes the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I would point out that the gentleman from Arizona himself admitted earlier in the debate this afternoon that the pending bill dovetails into the Legislative, Judicial, and Executive Pay Act.

The CHAIRMAN (Mr. PRICE of Illinois). The Chair is ready to rule.

The amendment offered by the gentleman from Illinois (Mr. DERWINSKI) does seek to establish a new section of the pending bill.

The Chair will point out, however, that the purposes of the bill under consideration are to set up a permanent method of adjusting the pay of Federal employees who are paid under one of the four statutory pay schedules—general schedule, postal field service schedules, Foreign Service schedules, and the schedules relating to physicians, dentists, and nurses in the Department of Medicine and Surgery of the Veterans' Administration, and the elimination of the long-standing inequity in relation to the pay schedule of postal employees.

The amendment offered by the gentleman from Illinois (Mr. DERWINSKI) repeals section 225 of the Federal Pay Schedule Act relating to the Commission on Executive, Legislative, and Judicial Salaries. That Commission determines salary of Senators, Members of the House, Cabinet officers, Justices, and judges. This particular bill deals with the setting up of a commission that has to do with the regulation of salaries for employees, and does not relate to the Commission established by section 225 of Public Law 90–206.

For these reasons the Chair rules that this amendment is not germane, and therefore sustains the point of order.

AMENDMENT OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DERWINSKI: on page 46 after line 22 insert:

"SPECIAL SALARY RATE RANGES FOR POSTAL FIELD SERVICE EMPLOYEES

"SEC. 10 (a) Section 5303(a) of title 5, United States Code, is amended by inserting immediately before the semicolon at the end of subparagraph (2) thereof ", except positions in the postal field service which are unique to the service".

"(b) That part of the text of chapter 45 of title 39, United States Code, under the heading "SALARY STEPS AND PROMOTIONS" is amended by adding at the end thereof the following new section:

"'§ 3561. Higher minimum rates; Presidential authority

"'(a) When the President finds that the pay rates in private enterprise for one or more occupations in one or more areas or locations are so substantially above the rates of basic compensation of those positions in the postal field service which are unique to that service as to handicap significantly the Government's recruitment or retention of well-qualified employees for such positions, he may establish for such positions in the areas or locations higher minimum rates of basic compensation for one or more levels and may make corresponding increases in other step rates of the pay range for each such level. A minimum rate so established may not exceed the maximum rate prescribed by statute for the level. Increases above the maximum rate may be made only to the extent that the minimum rate is increased to an amount greater than the fourth step of the level. For the purposes of this section, the word "level" includes occupational groups and subdivisions of levels and occupational groups.

"'(b) Within the limitations of subsection (a) of this section, rates of basic compensation established under that subsection may be revised from time to time by the President.

"'(c) An increase in rate of basic compensation established under this section is not an equivalent increase in compensation within the meaning of section 3552 of this title.

"'(d) The rate of basic compensation established under this section and received by an individual immediately before a statutory increase, which becomes effective prior to, on, or after the date of enactment of the statute, in the compensation of employees in the postal field service, shall be initially adjusted, effective on the effective date of the statutory increase, under conversion rules prescribed by the President.

"'(e) All actions, revisions, and adjustments under this section have the force and effect of statute.

"'(f) The President may authorize the Postmaster General to exercise the authority conferred on the President by this section.'.

"(c) The table of contents of chapter 45 of title 39, United States Code, is amended by inserting

"'3561. Higher minimum rates; Presidential authority."

immediately below

"'3560. Salary protection.'."

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with, that it be printed in the RECORD in full and be considered as open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. DERWINSKI. Mr. Chairman, I hope I do not have to use the full 5 minutes. Since I have offered one amendment that was actually lost in a discussion on Vietnam, and the second amendment which did not stand the test of germaneness, I get to feeling like the Chicago Cubs when they faced the New York Mets this season: I am not too optimistic as to what will happen on my third swing.

However, this amendment would establish a special rate range for postal field service employees. This would permit the Postmaster General to establish in high cost of living areas in large metropolitan centers, an adjustment, an increase in salary to cover the obvious adverse impact of a higher cost of living. It would help to stop the wholesale turnover of personnel in our large metropolitan area post offices.

This would have the effect of giving the Post Office Department long-needed flexibility in personnel handling. It would provide a practical means of inducing and keeping skilled personnel in the large city post offices, and would not discriminate against other post offices across the country, because it would in a positive way take care of the areas where the need is obvious.

It has been discussed sympathetically but without an approving vote in our committee. But I would hope that with the extreme attention the Committee of the Whole is showing this afternoon that this amendment would receive the support which it merits, because it is in the interest of the postal field service employees, and in the interest of the Post Office Department, and it is in the interest of the many users of the Post Office all over America. I would hope to receive favorable support for this amendment.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I just want to say I oppose this amendment because it would simply establish an authority that the President already has, the authority to increase starting rates where recruitment is difficult.

The President has now delegated this to the Civil Service Commission. There has been no evidence before our committee that he wants this additional authority or that the Postmaster General wants it; or that it would be used.

This kind of authority has existed for many years and has never been used. I would hope that the amendment would be defeated.

Mr. Chairman, I take this time now to discuss one other thing because apparently we have reached the end of the amending process.

The only amendment which carried today from the other side was one offered by the gentleman from Iowa (Mr. GROSS) which was carried on a teller voter of 65 to 51.

It is my intention to ask for a separate vote on that amendment. It needs not necessarily be a separate vote by the yeas and nays if it is the will of the House to do otherwise. But upon further reflection on that amendment, I think it is sufficiently dangerous, unwise, and violates the basic things we are trying to do in this bill that I would urge the members of the committee, when we go back into the House, to defeat this

amendment either on a division or by tellers or by a rollcall vote if need be.

Let me tell you why. The Federal employees, that most of you are familiar with, and they have been in your office, the great majority have been told that you support their position on this bill—they were always extremely reluctant to give up the right to come to Congress and have the Congress fix their pay.

Finally, this year, after the experience with the semiautomatic 1968–69 pay raise, the union said: "All right, we will give up coming to Congress. We made an arrangement that they considered satisfactory."

But one of the things they got, one of the crucial things in return for giving up the right to have Congress fix their pay, was that once and for all we would end this lag. There is probably not a Member of this Chamber who has not made a speech on how terrible it is to have this lag. We did shorten this lag in the committee down to about 5 or 4 months. That is the shortest we can get it because it takes time to process this survey.

The thing about the Gross amendment which I really did not fully realize at the time he offered it is that it would destroy the premise on which the unions are willing to try this other way and to give up the right to have the Congress have a pay battle every year. We can now be sure that in addition to the minimum 5-month lag that we now have another 5-month lag added to so that under the Gross amendment they will permanently be about 10 or 12 months behind the times in fixing Federal pay.

As I say, I think this is crucial to the employee union. I think the names of those who really favor that much lag on a permanent basis ought to be spread upon the record. I will ask for a separate vote when the Committee rises and goes back into the House.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. GROSS. I really did not know that reluctant dragons grew so tall in Arizona.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

The amendment was rejected.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike out the last word.

(Mr. GERALD R. FORD asked and was given permission to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Chairman, I rise at this time to indicate what the motion to recommit will be.

It will be a straight motion offered by the distinguished gentleman from Iowa (Mr. GROSS), a motion to send the bill back to the Committee on Post Office and Civil Service for more comprehensive and consideration than it got in the past, and I would hope for some improved language and substance.

Mr. Chairman, it seems to me this bill ought to be recommitted for several reasons. First, as the gentleman from Arizona indicated, in this legislation Congress is giving up one of the prerogatives it has, which is the setting of salary schedules for Government employees.

Over the years, I have heard speeches from that side of the aisle and I have heard speeches from this side of the aisle that we should keep these prerogatives and the responsibilities we have and not give any of them up. Furthermore, we ought to get back some that we have previously given up.

It seems to me that this legislation goes in just the opposite direction.

Second, this legislation in effect makes the future role of the President meaningless in any pay-increase legislation involving Federal employees.

Third, it seems to me that, as you read the bill, there are obvious discriminations between Federal Civil Service employees and Post Office Department employees.

I heard the figure quoted that 75 percent of the total employees of the Federal Government who will not get a pay increase out of this bill will be discriminated against, while the postal employees, who constitute roughly 25 percent, will be the beneficiary of pay-increase legislation by this act.

This discrimination I do not think can be justified. Furthermore, it is alleged that the bill discriminates within the postal employees themselves.

So when you add up that total package, it seems to me that this bill, because it is inequitable and discriminatory, ought to go back to the committee for further consideration.

Mr. Chairman, I would like to read a letter from the President of the United States, which I think adds another reason why this bill ought to be recommitted to the Committee on Post Office and Civil Service:

DEAR JERRY: I must frankly advise that our critically important national effort to contain inflation is bound to be seriously undercut if the federal employee pay bill now before the House were to become law.

In its present form H.R. 13000 would add approximately $4.3 billion a year to federal expenditures. It would balloon expenditures in the remainder of this fiscal year by $1.5 billion.

Spending increases of this magnitude cannot avoid nullifying many of the steps we have recently taken to stabilize the economy.

Less than three months ago, the Congress reflected the nation's determination to control inflation by imposing an expenditure ceiling on the current fiscal year. I gave a commitment at that time to restrict expenditures for this fiscal year to $192.9 billion. In keeping with this limitation I am cutting federal expenditures for this year by an additional $3.5 billion. But if H.R. 13000 should become law, additional deep cuts in federal services would have to be made.

The increase which the Post Office Department alone must absorb, for example, would require cut-backs in a variety of services. They would include the elimination of Saturday deliveries and window service for rural, city and suburban areas alike.

Since our total expenditures must be limited, a new round of heavy pay increases for federal employees would be in effect a mandate to reduce, abruptly, the number of federal employees.

The national interest clearly requires reconsideration of H.R. 13000 because of its inflationary impact. Furthermore, it would grant disportionate benefits to postal employees. These increases should be reexamined in light of another major legislative proposal now before Congress. Improvements in the condition of the postal worker are long overdue, but they ought to be secured through total reform of the present outmoded, inefficient and costly postal system.

The postal reform I have urged provides for the setting of wage levels for postal employees through collective bargaining. Any major increase in postal worker benefits should be secured through this process, or as part of legislation establishing a government-owned postal corporation which will have the means of operating, ultimately, on a self-sustaining basis.

I solicit your personal leadership in urging the House to recognize that, however appealing H.R. 13000 may appear politically at this moment, the consequences of its enactment would surely generate strong resentments throughout the public far outweighing presently anticipated political gains.

RICHARD NIXON.

Mr. Chairman, obviously from the content of this letter, this legislation as it presently is written is unacceptable. I strongly urge, therefore, that the Members of this body support a straight motion to recommit so that this legislation can go back to the committee on Post Office and Civil Service for reconsideration.

Mr. UDALL. Mr. Chairman, I move to strike the last word.

(Mr. UDALL asked and was given permission to revise and extend his remarks.)

Mr. UDALL. Mr. Chairman, I just want to respond to the distinguished minority leader on the motion to recommit. Let me quickly make two or three points.

Let us make it very clear that a vote for the motion to recommit is a motion to kill this bill—it is a vote to make sure there is no pay raise in this session of Congress, and I think it is a breaking of faith at least on the part of those who have told the Federal employees that the Members are with them.

There were over 200 Members—the gentleman from Montana (Mr. OLSEN) can confirm this—a majority of the House who introduced the bills H.R. 10000 and H.R. 11000 earlier this year. If Members think this bill is a budget buster, they ought to go out and pull out those bills they introduced and see what they would have done to the budget. They provided substantially more, and more quickly.

Those Members who promised the Federal employees they were for those bills or for this bill had better take a good look at the motion to recommit. I am one of those who worked with the Members by and large on postal reform, but, as we have done for so long, we cannot ask postal employees to wait for justice until next year.

It is like the old quip. Someone says "How is your health?" The response is, "Compared to what?" Now on this $4 or $5 billion expenditure the minority leader talks about, I would ask, "Compared to what?" In the official report of the administration on pay this year—and we had a hard time getting any report out of them—when it finally came out, the administration agreed we ought to have a pay raise on a comparability formula not in January, but in July of 1970, and another one in January of 1971. This bill provides two pay raises, one in Jan-

uary 1970, and one in January 1971. What the President proposes is two pay raises—one in July 1970 and one in January 1971. So we are arguing about 6 months.

Let me tell the Members the cost of this bill is an additional $4 billion, and the cost of the President's proposal which he sent up to us is about $3.5 billion or $3.9 billion, but just spread out in a little different fashion.

One other thing. If indeed the administration is saying, when they pull the $4 billion or $5 billion estimates out of the air, that this is what it will cost, then what we are saying is—if an impartial commission is put together, Mr. Chairman, if we are saying that this commission is going to find it takes $4 billion to bring employees up to comparability, then we ought to bring our heads in shame, because we have been cheating the employees out of $4 billion. We are saying the burden of fighting inflation ought to be on the Federal employee, and not on the banker, not on the steelworker, and not on the carpenter. But we are saying, if we are going to fight inflation, the people who are going to have to fight it again will be the Federal employees.

So, Mr. Chairman, I hope the motion to recommit will be soundly defeated.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from Arizona, my dear friend, said a motion to recommit would be a vote to kill the bill. I have heard that phrase used for many years. The only reason that it would be killed is if the gentleman and his subcommittee and the full committee failed to have another go-round on this bill, so if a motion to recommit is carried, and the gentleman does not hold additional hearings, then, of course, the bill would be dead. I would be hopeful the gentleman would hold additional hearings.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Arizona.

Mr. UDALL. Is the gentleman for the motion to recommit?

Mr. CUNNINGHAM. Yes, I am for the motion to recommit.

Mr. UDALL. I am shocked, because the gentleman is one of the sponsors of H.R. 13000.

Mr. CUNNINGHAM. That was before it was changed from the way it was to what we have before us today.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Illinois.

Mr. DERWINSKI. There is one point which has to be clarified, if the gentleman from Arizona will bear with me, since he may wish to make a retort.

Earlier in the year, when Members were flooded with mail against H.R. 13000, it was not quite the bill presented to us today. If Members will read the minority views the gentleman from Iowa and I prepared, they will note that the bill appeared before our full committee and was sent back to the subcommittee, and was reported back without any real study by that group. At the time it was passed by the full committee, there were few Members who had the opportunity to study it.

Furthermore, even the Postmaster General did not have an opportunity to testify on such a far-reaching measure.

So this bill in its handling as well as in its content has many dubious factors.

Mr. CUNNINGHAM. I would say this: Although I was a cosponsor of the original bill, the one we have today is not the same bill. It only has the same number.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Iowa.

Mr. GROSS. This bill was ordered by the full committee to be sent back to the subcommittee for further study. It never went back to the subcommittee.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes, pursuant to House Resolution 576, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment?

Mr. UDALL. Mr. Speaker, I demand a separate vote on the so-called Gross amendment, which begins on page 32, line 14.

The SPEAKER. Is a separate vote demanded on any other amendment to the committee amendment? If not, the Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

On page 32, beginning with line 14, strike out all of line 14 and all that follows down through the end of line 7 on page 33 and insert in lieu thereof the following:

"(h)(1) The rates of pay submitted to the Congress as provided in subsection (c)(4) or subsection (g) of this section shall become effective at the beginning of the first pay period which begins on or after the adoption of both Houses of Congress (within the 60 day period following the date on which the rates of pay are submitted to the House of Representatives and the Senate), by the yeas and nays of a concurrent resolution stating in effect that the Senate and House of Representatives approve such rates of pay."

"(2) For the purposes of paragraph (1) of this subsection, in the computation of the 60 day period there shall be excluded the days on which either House is not in session because of adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die. The rates of pay submitted to the Congress shall be delivered to both Houses of the Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House of Representatives is not in session and to the Secretary of the Senate if the Senate is not in session."

And, on page 33, line 12, strike out "first day of the year in" and insert in lieu thereof "date on";

And, on page 33, line 22, strike out "first day of the year in" and insert in lieu thereof "date on";

And, on page 38, line 21, strike out "first day of the year in" and insert in lieu thereof "date on".

Mr. UDALL (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER. The question is on the amendment to the committee amendment.

Mr. DERWINSKI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 191, nays 169, not voting 71, as follows:

[Roll No. 218]

YEAS—191

Abbitt	Fish	O'Neal, Ga.
Abernethy	Flowers	Passman
Adair	Ford, Gerald R.	Pelly
Anderson, Ill.	Foreman	Pettis
Andrews, Ala.	Fountain	Pickle
Andrews, N. Dak.	Frelinghuysen	Pirnie
Ashbrook	Fuqua	Poage
Baring	Galifianakis	Poff
Beall, Md.	Goodling	Price, Tex.
Belcher	Gross	Railsback
Bell, Calif.	Grover	Randall
Bennett	Gubser	Rarick
Betts	Hagan	Reid, Ill.
Bevill	Hall	Reifel
Blackburn	Hammer-schmidt	Rhodes
Blanton	Hansen, Idaho	Riegle
Bow	Harsha	Roberts
Bray	Harvey	Robison
Brinkley	Hébert	Rogers, Fla.
Broomfield	Henderson	Roth
Brotzman	Hull	Roudebush
Brown, Mich.	Hutchinson	Ruppe
Brown, Ohio	Ichord	Ruth
Broyhill, N.C.	Jarman	Sandman
Buchanan	Johnson, Pa.	Satterfield
Burke, Fla.	Jonas	Schadeberg
Burleson, Tex.	Jones, N.C.	Scherle
Bush	Jones, Tenn.	Schneebeli
Byrnes, Wis.	Keith	Schwengel
Cabell	King	Scott
Caffery	Kleppe	Sebelius
Carter	Kuykendall	Shriver
Casey	Kyl	Sikes
Chamberlain	Landgrebe	Skubitz
Chappell	Landrum	Smith, Calif.
Clancy	Langen	Springer
Clausen, Don H.	Latta	Stafford
Clawson, Del	Lennon	Stanton
Cleveland	Long, La.	Steiger, Ariz.
Colmer	Lukens	Steiger, Wis.
Conable	McClory	Stephens
Corbett	McClure	Stratton
Coughlin	McCulloch	Taft
Cowger	McDonald, Mich.	Talcott
Cramer	McEwen	Teague, Calif.
Cunningham	MacGregor	Teague, Tex.
Daniel, Va.	Mahon	Thomson, Wis.
Davis, Ga.	Mailliard	Utt
Davis, Wis.	Mann	Vander Jagt
Dellenback	Marsh	Waggonner
Denney	Mathias	Watkins
Dennis	Mayne	Watson
Derwinski	Meskill	Weicker
Dickinson	Michel	Whitehurst
Dorn	Miller, Ohio	Whitten
Dowdy	Minshall	Widnall
Downing	Mize	Williams
Duncan	Mizell	Wilson, Bob
Dwyer	Montgomery	Winn
Edwards, Ala.	Morton	Wyatt
Erlenborn	Mosher	Wydler
Esch	Myers	Wylie
Evins, Tenn.	Nichols	Wyman
		Zion
		Zwach

NAYS—169

Addabbo	Gray	Olsen
Albert	Green, Pa.	O'Neill, Mass.
Alexander	Griffiths	Ottinger
Anderson, Calif.	Gude	Patten
	Halpern	Pepper
Anderson, Tenn.	Hamilton	Perkins
	Hanley	Philbin
Annunzio	Hanna	Pike
Ashley	Hansen, Wash.	Podell
Barrett	Harrington	Preyer, N.C.
Biaggi	Hathaway	Price, Ill.
Biester	Hawkins	Pryor, Ark.
Blatnik	Hechler, W. Va.	Pucinski
Boggs	Heckler, Mass.	Purcell
Boland	Helstoski	Quillen
Bolling	Hicks	Rees
Brademas	Hogan	Reid, N.Y.
Brasco	Horton	Reuss
Brock	Howard	Rogers, Colo.
Broyhill, Va.	Hungate	Rooney, N.Y.
Burke, Mass.	Jacobs	Rosenthal
Burlison, Mo.	Johnson, Calif.	Rostenkowski
Button	Jones, Ala.	Ryan
Byrne, Pa.	Karth	St Germain
Carey	Kastenmeier	St. Onge
Celler	Kazen	Scheuer
Ciark	Kee	Shipley
Ciay	Kluczynski	Sisk
Conte	Koch	Siack
Conyers	Leggett	Smith, Iowa
Corman	Long, Md.	Snyder
Culver	Lowenstein	Staggers
Danieis, N.J.	McCarthy	Stokes
de la Garza	McDade	Stubblefield
Delaney	McFaii	Stuckey
Dent	Macdonaid, Mass.	Suiiivan
Diggs		Symington
Donohue	Madden	Thompson, N.J.
Dulski	Matsunaga	Tiernan
Edwards, La.	Melcher	Udall
Eilberg	Mikva	Uiiman
Evans, Colo.	Miller, Calif.	Van Deerlin
Feighan	Mills	Vanik
Flood	Minish	Vigorito
Foley	Mink	Waldie
Ford, William D.	Moiiohan	Wampler
	Monagan	Watts
Fraser	Moorhead	Whalen
Friedel	Morgan	White
Fulton, Pa.	Morse	Wiggins
Fulton, Tenn.	Moss	Wilson, Charles H.
Gaiiagher	Murphy, Iii.	
Garmatz	Murphy, N.Y.	Wolff
Gaydos	Natcher	Wright
Giaimo	Nedzi	Yates
Gibbons	Nix	Yatron
Gilbert	Obey	Young
Gonzalez	O'Hara	Zablocki

NOT VOTING—71

Adams	Eshleman	McKneally
Arends	Fallon	McMillan
Aspinali	Farbstein	Martin
Ayres	Fascell	May
Berry	Findley	Meeds
Bingham	Fisher	Nelsen
Brooks	Flynt	O'Konski
Brown, Caiif.	Frey	Patman
Burton, Caiif.	Gettys	Pollock
Burton, Utah	Goldwater	Powell
Cahili	Green, Oreg.	Quie
Camp	Griffin	Rivers
Cederberg	Haley	Rodino
Chisholm	Hastings	Rooney, Pa.
Cohelan	Hays	Roybal
Collier	Holifieid	Saylor
Collins	Hosmer	Smith, N.Y.
Daddario	Hunt	Steed
Dawson	Kirwan	Taylor
Devine	Kyros	Thompson, Ga.
Dingell	Lipscomb	Tunney
Eckhardt	Lloyd	Whalley
Edmondson	Lujan	Wold
Edwards, Caiif.	McCloskey	

So the amendment to the committee amendment was agreed to.

The Clerk announced the following pairs:

Mr. Aspinali with Mr. Arends.
Mr. Brooks with Mr. Lipscomb.
Mr. Rodino with Mr. Saylor.
Mr. Kyros with Mr. Ayres.
Mr. Holifield with Mr. Hunt.
Mr. Hays with Mr. Devine.
Mr. Daddario with Mr. McKneally.
Mr. Dingeli with Mr. Berry.
Mr. Rooney of Pennsylvania with Mr. Lloyd.
Mr. Taylor with Mr. Martin.
Mr. Patman with Mr. Cederberg.
Mr. Griffin with Mr. Lujan.
Mr. Haley with Mr. Burton of Utah.
Mr. Farbstein with Mr. McCioskey.
Mr. Edmondson with Mr. Hosmer.
Mr. Fallon with Mrs. May.
Mr. Kirwan with Mr. Cahiii.
Mr. Fasceii with Mr. Nelsen.
Mr. Tunney with Mr. Eshleman.
Mr. Adams with Mr. O'Konski.
Mr. Gettys with Mr. Camp.
Mrs. Green of Oregon with Mr. Poliock.
Mr. Burton of California with Mr. Quie.
Mr. Meeds with Mr. Collier.
Mr. Cohelan with Mr. Smith of New York.
Mr. Steed with Mr. Hastings.
Mr. Flynt with Mr. Thompson of Georgia.
Mr. Bingham with Mr. Findley.
Mr. Rivers with Mr. Whalley.
Mr. McMulien with Mr. Coilins.
Mr. Fisher with Mr. Wold.
Mr. Brown of California with Mrs. Chisholm.
Mr. Edwards of California with Mr. Frey.
Mr. Eckhardt with Mr. Poweli.
Mr. Roybal with Mr. Goldwater.

Mr. JONES of Alabama changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the amendment adopted by the Committee of the Whole.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GROSS. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GROSS moves to recommit the bill, H.R. 13000, to the Committee on Post Office and Civil Service for further study.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 81, nays 281, answered "present" 1, not voting 68, as follows:

[Roll No. 219]

YEAS—81

Abbitt	Daniel, Va.	Kuykendall
Abernethy	Davis, Wis.	Kyi
Anderson, Ill.	Dennis	Landgrebe
Andrews, Ala.	Derwinski	Langen
Ashbrook	Dickinson	Latta
Beali, Md.	Edwards, Ala.	McClure
Betts	Erlenborn	Mahon
Blackburn	Fish	Mann
Bow	Ford, Gerald R.	Marsh
Bray	Frelinghuysen	Mayne
Brown, Ohio	Goodiing	Michel
Buchanan	Gross	Montgomery
Burleson, Tex.	Hall	Morton
Bush	Hammer-schmidt	Mosher
Byrnes, Wis.		Pelly
Chappell	Hansen, Idaho	Poff
Colmer	Hutchinson	Price, Tex.
Conable	Jarman	Rarick
Cowger	Jonas	Rhodes
Cramer	Keith	Robison
Cunningham	Kleppe	Roth
Roudebush	Scott	Steiger, Wis.
Ruppe	Sebeiius	Talcott
Ruth	Skubitz	Thomson, Wis.
Satterfield	Smith, Calif.	Whitten
Schadeberg	Springer	Wilson, Bob
Scherie	Stanton	
Schneebeli	Steiger, Ariz.	

NAYS—281

Adair	Gibbons	Passman
Addabbo	Gilbert	Patten
Albert	Goldwater	Pepper
Alexander	Gonzalez	Perkins
Anderson, Calif.	Gray	Pettis
	Green, Pa.	Philbin
Anderson, Tenn.	Griffiths	Pickle
	Grover	Pike
Andrews, N. Dak.	Gubser	Pirnie
	Gude	Poage
Annunzio	Hagan	Podell
Ashley	Halpern	Preyer, N.C.
Baring	Hamilton	Price, Ill.
Barrett	Hanley	Pryor, Ark.
Belcher	Hanna	Pucinski
Bell, Calif.	Hansen, Wash.	Purcell
Bennett	Harrington	Quillen
Beviil	Harsha	Railsback
Biaggi	Harvey	Randali
Biester	Hathaway	Rees
Blanton	Hawkins	Reid, Ili.
Blatnik	Hébert	Reid, N.Y.
Boggs	Hechler, W. Va.	Reifel
Boland	Heckler, Mass.	Reuss
Boliing	Helstoski	Riegle
Brademas	Henderson	Roberts
Brasco	Hicks	Rogers, Colo.
Brinkley	Hogan	Rogers, Fla.
Brock	Horton	Rooney, N.Y.
Broomfieid	Howard	Rosenthai
Brotzman	Huli	Rostenkowski
Brown, Mich.	Hungate	Ryan
Broyhill, N.C.	Ichord	St Germain
Broyhill, Va.	Jacobs	St. Onge
Burke, Fla.	Johnson, Calif.	Sandman
Burke, Mass.	Johnson, Pa.	Scheuer
Burlison, Mo.	Jones, Ala.	Schwengel
Button	Jones, N.C.	Shipley
Byrne, Pa.	Jones, Tenn.	Shriver
Cabell	Karth	Sikes
Caffery	Kastenmeier	Sisk
Carey	Kazen	Slack
Carter	Kee	Smith, Iowa
Casey	King	Smith, N.Y.
Celler	Kluczynski	Snyder
Chamberlain	Koch	Stafford
Ciancy	Landrum	Staggers
Clark	Leggett	Stephens
Clausen, Don H.	Lennon	Stokes
	Long, La.	Stratton
Ciawson, Del	Long, Md.	Stubblefield
Clay	Lowenstein	Stuckey
Cleveland	Lukens	Sullivan
Conte	McCarthy	Symington
Conyers	McClory	Taft
Corbett	McCulloch	Teague, Calif.
Corman	McDade	Teague, Tex.
Coughlin	McDonald, Mich.	Thompson, Ga.
Culver		Thompson, N.J.
Daniels, N.J.	McEwen	Tiernan
de la Garza	McFali	Udall
Delaney	Macdonald, Mass.	Ullman
Dellenback		Utt
Denney	MacGregor	Van Deerlin
Dent	Madden	Vander Jagt
Diggs	Mathias	Vanik
Donohue	Matsunaga	Vigorito
Dorn	Melcher	Waggonner
Dowdy	Meskill	Waldie
Downing	Mikva	Wampler
Dulski	Miller, Calif.	Watkins
Duncan	Miller, Ohio	Watson
Dwyer	Mills	Watts
Edwards, La.	Minish	Weicker
Eilberg	Mink	Whalen
Esch	Minshall	White
Eshleman	Mize	Whitehurst
Evans, Colo.	Mizell	Widnall
Evins, Tenn.	Mollohan	Wiggins
Feighan	Monagan	Williams
Flood	Moorhead	Wilson, Charles H.
Flowers	Morgan	
Foley	Morse	Winn
Ford, William D.	Moss	Wolff
	Murphy, Ill.	Wright
Foreman	Murphy, N.Y.	Wyatt
Fountain	Myers	Wydler
Fraser	Natcher	Wylie
Friedel	Nedzi	Wyman
Fulton, Pa.	Nichols	Yates
Fulton, Tenn.	Nix	Yatron
Fuqua	Obey	Young
Galifianakis	O'Hara	Zablocki
Galiagher	Olsen	Zion
Garmatz	O'Neal, Ga.	Zwach
Gaydos	O'Neill, Mass.	
Giaimo	Ottinger	

ANSWERED "PRESENT"—1

Mailliard

NOT VOTING—68

Adams	Edmondson	McCloskey
Arends	Edwards, Calif.	McKneally
Aspinall	Fallon	McMillan
Ayres	Farbstein	Martin
Berry	Fascell	May
Bingham	Findley	Meeds
Brooks	Fisher	Nelsen
Brown, Calif.	Flynt	O'Konski
Burton, Calif.	Frey	Patman
Burton, Utah	Gettys	Pollock
Cahill	Green, Oreg.	Powell
Camp	Griffin	Quie
Cederberg	Haley	Rivers
Chisholm	Hastings	Rodino
Cohelan	Hays	Rooney, Pa.
Collier	Holifield	Roybal
Collins	Hosmer	Saylor
Daddario	Hunt	Steed
Davis, Ga.	Kirwan	Taylor
Dawson	Kyros	Tunney
Devine	Lipscomb	Whalley
Dingell	Lloyd	Wold
Eckhardt	Lujan	

So the motion to recommit was rejected.

The Clerk announced the following pairs

On this vote

Mr. Martin for, with Mr. Hunt against.

Mr. McCloskey for, with Mr. McKneally against.

Mr. Arends for, with Mr. Pollock against.

Mr. Nelsen for, with Mr. Cahill against.

Until further notice:

Mr. Hays with Mr. Ayres.

Mr. Aspinall with Mr. Berry.

Mr. Brooks with Mr. Camp.

Mr. Rodino with Mr. Burton of Utah.

Mr. Kyros with Mr. Collins.

Mr. Holifield with Mr. Cederberg.

Mr. Daddario with Mr. Collier.

Mr. Dingell with Mr. Devine.

Mr. Rooney of Pennsylvania with Mr. Findley.

Mr. Taylor with Mr. Frey.

Mr. Patman with Mr. Hastings.

Mr. Griffin with Mr. Lloyd.

Mrs. Green of Oregon with Mr. Hosmer.

Mr. Farbstein with Mr. Lujan.

Mr. Edmondson with Mr. Lipscomb.

Mr. Fallon with Mrs. May.

Mr. Kirwan with Mr. Saylor.

Mr. Fascell with Mr. Whalley.

Mr. Tunney with Mr. Wold.

Mr. Adams with O'Konski.

Mr. Gettys with Mr. Eckhardt.

Mr. Burton of California with Mrs. Chisholm.

Mr. Meeds with Mr. Davis of Georgia.

Mr. Cohelan with Mr. Haley.

Mr. Steed with Mr. Roybal.

Mr. Flynt with Mr. Edwards of California.

Mr. Bingham with Mr. Powell.

Mr. Rivers with Mr. Fisher.

Mr. McMillan with Mr. Brown of California.

Mr. PASSMAN and Mr. MIZE changed their votes from "yea" to "nay."

Mr. MAILLIARD. Mr. Speaker, I have a live pair with the gentleman from California (Mr. BURTON). If he had been present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 311, nays 51, answered "present" 1, not voting 68, as follows:

[Roll No. 220]

YEAS—311

Adair	Fuqua	Moss
Addabbo	Galifianakis	Murphy, Ill.
Albert	Gallagher	Murphy, N.Y.
Alexander	Garmatz	Myers
Anderson, Calif.	Gaydos	Natcher
	Giaimo	Nedzi
Anderson, Tenn.	Gibbons	Nichols
	Gilbert	Nix
Andrews, N. Dak.	Goldwater	Obey
	Gonzalez	O'Hara
Annunzio	Gray	Olsen
Ashley	Green, Pa.	O'Neal, Ga.
Baring	Griffiths	O'Neill, Mass.
Barrett	Grover	Ottinger
Beall, Md.	Gubser	Passman
Belcher	Gude	Patten
Bell, Calif.	Hagan	Pelly
Bennett	Halpern	Pepper
Betts	Hamilton	Perkins
Bevill	Hammer-schmidt	Pettis
Biaggi		Philbin
Biester	Hanley	Pike
Blackburn	Hanna	Pirnie
Blanton	Hansen, Idaho	Podell
Blatnik	Hansen, Wash.	Preyer, N.C.
Boggs	Harrington	Price, Ill.
Boland	Harsha	Price, Tex.
Bolling	Harvey	Pryor, Ark.
Bow	Hathaway	Pucinski
Brademas	Hawkins	Purcell
Brasco	Hébert	Quillen
Brinkley	Hechler, W. Va.	Railsback
Brock	Heckler, Mass.	Randall
Broomfield	Helstoski	Rees
Brotzman	Henderson	Reid, Ill.
Brown, Mich.	Hicks	Reid, N.Y.
Broyhill, N.C.	Hogan	Reifel
Broyhill, Va.	Horton	Reuss
Burke, Fla.	Howard	Riegle
Burke, Mass.	Hull	Roberts
Burlison, Mo.	Hungate	Robison
Bush	Hutchinson	Rogers, Colo.
Button	Ichord	Rogers, Fla.
Byrne, Pa.	Jacobs	Rooney, N.Y.
Cabell	Johnson, Calif.	Rooney, Pa.
Caffery	Johnson, Pa.	Rosenthal
Carey	Jones, Ala.	Rostenkowski
Carter	Jones, N.C.	Roudebush
Casey	Jones, Tenn.	Ruppe
Celler	Karth	Ruth
Chamberlain	Kastenmeier	Ryan
Chappell	Kazen	St Germain
Clancy	Kee	St. Onge
Clark	King	Sandman
Clausen, Don H.	Kluczynski	Satterfield
	Koch	Schadeberg
Clawson, Del	Kyl	Scheuer
Clay	Landrum	Schwengel
Cleveland	Langen	Scott
Conte	Latta	Shipley
Conyers	Leggett	Shriver
Corbett	Lennon	Sikes
Corman	Long, La.	Sisk
Coughlin	Long, Md.	Skubitz
Culver	Lowenstein	Slack
Daniel, Va.	Lukens	Smith, Iowa
Daniels, N.J.	McCarthy	Smith, N.Y.
de la Garza	McClory	Snyder
Delaney	McClure	Stafford
Dellenback	McCulloch	Staggers
Denney	McDade	Stanton
Dent	McDonald, Mich.	Stephens
Diggs		Stokes
Donohue	McEwen	Stratton
Dorn	McFall	Stubblefield
Dowdy	Macdonald, Mass.	Stuckey
Downing		Sullivan
Dulski	MacGregor	Symington
Duncan	Madden	Talcott
Dwyer	Mailliard	Teague, Calif.
Edwards, Ala.	Mann	Teague, Tex.
Edwards, La.	Mathias	Thompson, Ga.
Eilberg	Matsunaga	Thompson, N.J.
Esch	Melcher	Tiernan
Eshleman	Meskill	Udall
Evans, Colo.	Mikva	Ullman
Evins, Tenn.	Miller, Calif.	Utt
Feighan	Miller, Ohio	Van Deerlin
Fish	Mills	Vander Jagt
Flood	Minish	Vanik
Flowers	Mink	Vigorito
Foley	Minshall	Waggonner
Ford, William D.	Mize	Waldie
	Mizell	Wampler
Foreman	Mollohan	Watkins
Fountain	Monagan	Watson
Fraser	Moorhead	Watts
Friedel	Morgan	Weicker
Fulton, Pa.	Morse	Whalen
Fulton, Tenn.	Mosher	White
Whitehurst	Wolff	Yatron
Widnall	Wright	Young
Wiggins	Wyatt	Zablocki
Williams	Wydler	Zion
Wilson, Charles H.	Wylie	Zwach
	Wyman	
Winn	Yates	

NAYS—51

Abbitt	Dickinson	Pickle
Abernethy	Erlenborn	Poff
Anderson, Ill.	Ford, Gerald R.	Rarick
Andrews, Ala.	Frelinghuysen	Rhodes
Ashbrook	Gross	Roth
Bray	Hall	Scherle
Brown, Ohio	Jarman	Schneebeli
Buchanan	Jonas	Sebelius
Burleson, Tex.	Keith	Smith, Calif.
Byrnes, Wis.	Kleppe	Springer
Colmer	Kuykendall	Steiger, Ariz.
Conable	Landgrebe	Steiger, Wis.
Cowger	Mahon	Taft
Cramer	Marsh	Thomson, Wis.
Cunningham	Mayne	Whitten
Davis, Wis.	Michel	Wilson, Bob
Dennis	Montgomery	
Derwinski	Morton	

ANSWERED "PRESENT"—1

Poage

NOT VOTING—68

Adams	Edmondson	Lujan
Arends	Edwards, Calif.	McCloskey
Aspinall	Fallon	McKneally
Ayres	Farbstein	McMillan
Berry	Fascell	Martin
Bingham	Findley	May
Brooks	Fisher	Meeds
Brown, Calif.	Flynt	Nelsen
Burton, Calif.	Frey	O'Konski
Burton, Utah	Gettys	Patman
Cahill	Goodling	Pollock
Camp	Green, Oreg.	Powell
Cederberg	Griffin	Quie
Chisholm	Haley	Rivers
Cohelan	Hastings	Rodino
Collier	Hays	Roybal
Collins	Holifield	Saylor
Daddario	Hosmer	Steed
Davis, Ga.	Hunt	Taylor
Dawson	Kirwan	Tunney
Devine	Kyros	Whalley
Dingell	Lipscomb	Wold
Eckhardt	Lloyd	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hunt for, with Mr. Martin against.

Mr. Ayres for, with Mr. Arends against.

Until further notice:

Mr. Hays with Mr. Pollock.

Mr. Aspinall with Mr. Berry.

Mr. Brooks with Mr. Devine.

Mr. Rodino with Mr. Cederberg.

Mr. Kyros with Mr. O'Konski.

Mr. Holifield with Mr. Burton of Utah.

Mr. Daddario with Mr. McKneally.

Mr. Dingell with Mr. Collier.

Mr. Brown of California with Mr. Dawson.

Mr. Taylor with Mr. Collins.

Mr. Patman with Mr. Camp.

Mr. Griffin with Mr. Lloyd.

Mrs. Green of Oregon with Mrs. May.

Mr. Farbstein with Mr. Findley.

Mr. Edmondson with Mr. Lujan.

Mr. Fallon with Mr. Cahill.

Mr. Kirwan with Mr. Hastings.

Mr. Fascell with Mr. Frey.

Mr. Tunney with Mr. Hosmer.

Mr. Adams with Mr. McCloskey.

Mr. Gettys with Mr. Goodling.

Mr. Burton of California with Mrs. Chisholm.

Mr. Meeds with Mr. Nelsen.

Mr. Cohelan with Mr. Lipscomb.

Mr. Steed with Mr. Quie.

Mr. Flynt with Mr. Whalley.

Mr. Bingham with Mr. Wold.

Mr. Rivers with Mr. Saylor.

Mr. McMillan with Mr. Roybal.

Mr. Haley with Mr. Eckhardt.

Mr. Edwards of California with Mr. Powell.

Mr. Davis of Georgia with Mr. Fisher.

Mr. POAGE. Mr. Speaker, I have a live pair with the gentleman from Texas (Mr. ECKHARDT). If the gentleman from Texas (Mr. ECKHARDT) had been present, he would have voted "yea." I voted "nay" in accordance with my convictions. Therefore, I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill, H.R. 13000, and include extraneous matter during debate on the bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 13000

Mr. UDALL. Mr. Speaker, I ask unanimous consent that the Clerk, in the engrossment of the bill, be authorized and directed to make such changes in section numbers, cross-references, and other technical and conforming corrections as may be required to reflect the actions of the House.

The SPEAKER. Without objection, it is so ordered,

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks announced that the Senate disagrees to the amendment of the House to the bill (S. 2276) entitled "An act to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MUSKIE, Mr. RANDOLPH, Mr. BAYH, Mr. MONTOYA, Mr. BOGGS, Mr. COOPER, and Mr. DOLE to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 150. Joint resolution to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

NATIONAL INDUSTRIAL HYGIENE WEEK

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 150) to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week" and ask for immediate consideration of the Senate joint resolution.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 150

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the need to preserve the Nation's primary natural resource—its employed population—and in recognition of those individuals and organizations seeking to protect and improve the health of the Nation's work force through the coordinated scientific measures, technological and engineering controls which characterize industrial hygiene, the President is authorized and requested to issue a proclamation designating the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week," and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Senate joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

THREE O'CLOCK IN THE MORNING—VIETNAM

(Mr. WALDIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDIE. Mr. Speaker, I am also one of those who requested 1 hour on special orders today to express my disapproval of our present Vietnam policy. I also am in support of the October 15 moratorium. I want to stress that I do not hold any brief that my views will offer much contribution to this problem, or that the President will pay much attention to my views. But I do think that I should have the right to express them. Perhaps a measure of that right and, if you will, a measure of the esteem with which my colleagues hold me is that I am assigned time to deliver my remarks for 3 o'clock this morning, if all goes well, to express my views to those who might be present. Those views probably are not significant and I think tremendously important. But it would be tremendously significant and I think tremendously important if I were denied the right to deliver those views to this particular body, and the dissemination of those views to the public through this forum.

I would expect that deprival of this right of those who desire to express our views would be interpreted by many as indicating a belief and a fear that criticism of administration policy cannot be tolerated in the greatest legislative body of the land.

I am particularly puzzled by a seeming inconsistency in the remarks of many relative to the impact of my views, and those who possess similar views, on Hanoi's leaders. Our President has told us he will not be persuaded "in the slightest" by our expressions on October 15. Am I to believe that Hanoi's leaders will be more responsive to my views than will my own President? I doubt it. But then I doubt that the President was accurate when he said he would not be influenced by American opinion. He will be—he should be—and he must be.

Mr. Speaker, vituperation and excesses in emotion that callously designate Americans who are desperately tired of the Vietnam tragedy as "Hanoi sympathizers" detract greatly from this debate. I venture to say that those who today have so intemperately maligned their colleagues and their fellow Americans are simply and sorrowfully unaware of the depth of their constituency's anger and dismay with Vietnam.

I would suggest that on October 16 they review the activities of October 15 and I am certain they, along with our President, will have been the witness to the peculiar magnificence of a free government and to the ability of a free citizenry to express disapproval with its leader's policies.

Their efforts to castigate manifestation of that disapproval with vague accusations of lack of patriotism or loyalty have only served to intensify those efforts and have only served to display their own insensitivities to the procedures by which a free people make their will known to their Representatives and to their President.

ECONOMIC PROGRESS AND THE FORGOTTEN AMERICAN

(Mr. ANDERSON of California asked and was given permission to address the House for 1 Minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, unemployment in our Nation has risen to 4 percent. This is the largest rise in unemployment in 9 years. The Nixon administration, in the words of Secretary of the Treasury Kennedy, believes that unemployment will go even higher. What amazes me is that they apparently believe that an increasing unemployment rate is good—that it is "economic progress."

I would remind Mr. Nixon that these statistics represent people unemployed and I would call such a policy heartless.

During the presidential campaign, President Nixon frequently alluded to a "forgotten American." I might ask: Who is this mystical person? Is he the one who is taking the brunt of the administration's so-called economic progress? Is he the guy who was just laid off? Or perhaps he is the person who will be hit the hardest by the administration's proposed policy on taxes?

Is the "forgotten American"—the person with a small fixed income who is being affected most by inflation or the one

taking it on the chin from excessively high interest rates?

Perhaps he is the person who knows that the administration's proposed increase in social security benefits is too little and too late?

If this is the "forgotten American," then it appears to me that the administration's policy forecloses, without question, opportunity for those who need it the most. Yes, the "forgotten American" appears to have been really forgotten only 9 months after he was induced to vote for the man who said he was going to remember the "forgotten American."

Does the administration realize the effects of this so-called "economic progress" on the individual as well as the Nation? There are approximately 3.2 million Americans who are out of work. It is going to be extremely difficult to convince these "forgotten Americans" that such a policy could be labeled by anyone as "economic progress." If a man cannot get a job, if he has been laid off, if he is underemployed, he is not going to be pleased with Secretary Kennedy's assertion that a 4-percent rate of unemployment is "acceptable." Surely it is not "progress" when nearly 3.2 million people are jobless.

Does the administration realize the effects of this heartless scheme on the wives and children of the jobless?

Does the administration realize the effects of this negative policy on the business and industry that are forced to curtail production?

Does the administration realize the effects it will have on the community? If a man does not have an income he is certainly an economic burden to the community. The gas station owner, the grocer, the local banker, the farmer, the people who deal in services—all are affected by unemployment. All must agree that a real economic progress does not go hand in hand with unemployment.

Does the administration realize the effects that this economic downturn will have on the local and State government? When men are unemployed, welfare rolls are increased. It seems to me that it is "economic progress" when we have more people employed and less people dependent on welfare checks.

If an intolerable level of unemployment, together with continuing high prices and interest rates, is "acceptable," then I do not believe the "forgotten American" can stand much more of this kind of "economic progress."

PUTTING KOREA'S PRESIDENTIAL POLITICS IN PRAGMATIC PROSPECTIVE

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, in recent weeks our popular press has been critical of the events which have surrounded South Korea's President Park's bid for a third term. It has been charged that the ruling Democratic-Republican Party flaunted democratic proccsses in clearing the way for a national referendum on the provision to amend the Constitution to allow a candidate to seek a third term. It has been implied that President Park's quest for the third term is animated by a drive for personal power and standing. I think it is well that we who know Korea, its leaders and its problems, pause to address ourselves to these indictments before the referendum on October 17. It was for this reason that I requested this time. I invite my colleagues on both sides of the aisle to contribute their comments on this issue.

It would be unthinkable for us to endeavor to influence the outcome of the national referendum. This is an issue for the people of the Republic of Korea. However, as Korea's longtime friend and ally it is both appropriate and necessary that those in our Government endeavor to understand what is happening in Korea and why it is happening. The understanding of which I speak is, in my judgment, best born of an analysis of the history of other similarly situated nations. What is Korea's current condition? The Republic of Korea has, at best, a tenuous political, economic, and defense posture. On the political front, we note that the Republic has existed less than a decade. The country and its people have little experience in self-government and no tradition of strong democratic institutions. In addition, the country has not existed long enough to develop a large number of individuals experienced in the art and science of governance. The old nostrum that "you can beat somebody with nobody" is clearly applicable to the current situation. Even those who contend that President Park should not be allowed to succeed himself are hard pressed to suggest a suitable alternative.

Korea has undergone an economic transformation in the last 20 years. It is experiencing an enviable rate of economic growth. The man on the street is well fed, and well clothed. All this economic progress has been achieved in scarcely a score of years. The glowing record of recent progress and the rapid rate of growth should not obscure the fundamental fact that Korea's economy is still in its infancy. The nation is plagued by problems endemic to developing countries. There is a glaring shortage of development capital; skilled management and technical expertise remain a scarce commodity; agricultural self-sufficiency is problematic; the infrastructure essential to true nationhood is still developing, and the gulf between rich and poor is still vast. These facts are neutral. They state a simple truth; Korea—for all its progress—is only nearing its economic "takeoff" point. It is just now approaching the point at which it can truly say it can meet its internal needs and enter the world market as an effective competitor.

The security of the Republic of Korea is a source of constant concern. Forty miles from the capital of Seoul, the armies of North and South Korea face each other. Rarely does a day pass when there is not an act of hostility at the demilitarized zone or an attempt by the North to infiltrate by the sea. This situation has required that the country remain constantly mobilized. Korea has one of the largest standing armies in the world. Per capita, it and its adversary in the north probably have more men under arms than any other country in the world. Truly it can be said that Korea's political, economic, and defense situation is highly volatile.

A pragmatic prospective of Korea's presidential politics must encompass an analysis of history. The parallels between the Korea of today and the United States of 1940 are inescapable. In 1940 our Nation was teetering on the brink of war and we were just emerging from a depression which had shaken our economy to its very roots. At that juncture, the American people were faced with deciding whether to shatter a 150-year tradition and allow President Roosevelt to seek a third term. A review of the popular press reveals that the central issue which concerns Koreans today was much the same as that in the minds of Americans during the dark days of 1940. There was, in the United States of 1940, a grave concern over the consequences of any change in national leadership. The New Republic of July 22, 1940, said:

> The conflict (in the world) is one of ideas, of economic power, of resolution and elan . . . It is a question of being ready for drastic changes and supreme effort, of fertilizing the imagination and intelligence with a deep seated cause and a destiny.

This article and many others appearing during the year 1940 suggested that only President Roosevelt could supply the leadership needed.

In the twoscore years since the Second World War, we have witnessed a number of Western democracies maintain a single national figure as their leader. The West Germans saw in Conrad Adenauer the leader they needed to rebuild their broken nation. For this reason, they perpetuated his control for several years. The British turned to Winston Churchill—who dominated their political scene for virtually 2 decades—to provide the charisma required to restore England to the glory of old. "Le Grande Charles" became a legend in his own time while serving as the President or popularly elected "king" of France. In short, the people of four advanced Western Nations have, in the span of our recollection, chosen to put their trust in a single man to lead them in times of tension and travail. In each of these nations the decision to perpetuate the leadership of a single man was subjected to sharp criticism. The Saturday Evening Post of October 26, 1940, castigated the events preceeding Roosevelt's nomination for a third term in an article entitled "How to Rig an Election." It said America was adopting a "demautocratic process."

Much has been written about the midnight session of Korea's National Assembly which cleared the way for the popular vote on a third term. I very much doubt whether the maneuvering which has led to Korea's referendum on the third term was any more carefully contrived and efficiently orchestrated than the nomination of F. D. R. to a third term. One need only recall the reports of Thomas G. Garry, whipping the delegates into a fever pitch of support for Roosevelt with ringing cries of "We

91ST CONGRESS
1ST SESSION

H. R. 13000

IN THE SENATE OF THE UNITED STATES

OCTOBER 16, 1969

Read twice and referred to the Committee on Post Office and Civil Service

AN ACT

To implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Salary Comparability Act of 1969".

SEC. 2. Sections 5301 and 5302 of title 5, United States Code, are amended to read as follows:

"§ 5301. Policy

"(a) It is the policy of Congress that rates of pay for employees within the purview of this section be based on the principles that—

"(1) there be equal pay under each pay system for substantially equal work;

"(2) pay distinctions be maintained in keeping with work distinctions; and

"(3) rates of pay be comparable, on a national basis, with private enterprise rates of pay for the same levels of work.

"(b) Rates of pay shall be adjusted annually, in accordance with the policy set forth in subsection (a) of this section and the procedures prescribed by section 5302 of this title, for those employees subject to—

"(1) section 5332 of this title, relating to employees under the General Schedule;

"(2) part III of title 39, relating to employees in the postal field service;

"(3) sections 867 and 870 of title 22, relating to officers, staff officers, and employees in the Foreign Service of the United States; and

"(4) section 4107 of title 38, relating to physicians, dentists, and nurses in the Department of Medicine and Surgery, Veterans' Administration.

"§ 5302. Federal Employee Salary Commission; Federal Employee Salary Board of Arbitration

"(a) There is established, as a permanent agency of

the Government, a Federal Employee Salary Commission, referred to as the 'Commission'.

"(b) The Commission shall be composed of 8 members and 3 associate members, as follows:

"(1) the Chairman of the Civil Service Commission or, in his absence, his designee, who shall be Chairman;

"(2) 1 designated by the Director of the Bureau of the Budget;

"(3) 1 designated by the Secretary of Defense;

"(4) 1 designated by the Postmaster General;

"(5) 1 designated by the organization of employees having the largest number of members in the General Schedule;

"(6) 2, one designated by each of the 2 employee organizations having the largest number of members in the postal field service;

"(7) 1 designated by an employee organization, other than an organization designating a member pursuant to paragraph (5) or (6) of this subsection, selected each year by the Chairman of the Civil Service Commission on a rotating basis after consultation with representatives of such employee organizations as the Chairman determines appropriate; and

"(8) 3 associate members, one each designated by

employee organizations, other than organizations designating members pursuant to paragraph (5), (6), or (7) of this subsection, selected each year by the Chairman of the Civil Service Commission on a rotating basis after consultation with representatives of such employee organizations as the Chairman determines appropriate.

A member of the Commission has—

"(A) 1 vote, if designated under paragraph (2), (3), (4), (5), or (7) of this subsection;

"(B) one-half vote, if designated under paragraph (6) of this subsection; or

"(C) 1 vote to be cast only to break a tie vote of the Commission, if serving under paragraph (1) of this subsection.

Each associate member of the Commission is entitled to attend all meetings of, consult with, and be heard by, the Commission, on all matters, but does not have a vote.

"(c) The Commission shall, in accordance with the policy set forth in section 5301(a) of this title, after consultation with representatives of such agencies and employee organizations as it determines appropriate—

"(1) prescribe, and revise from time to time as it deems appropriate, a comparability pay survey—

"(A) which will develop valid comparisons of (i) the rates of pay for employees within the

purview of section 5301 (b) of this title and (ii) the rates of pay for the same levels of work in private industry; and

"(B) which shall be conducted annually by the Bureau of Labor Statistics in the Department of Labor;

"(2) prepare annually a comparative statement of the rates of pay for such employees and the rates of pay for the same levels of work in private industry as disclosed by the comparability pay survey;

"(3) determine and prescribe, on the basis of information and data disclosed by the annual comparability pay survey, the exact national rates of pay for such employees which are necessary to effect the policy set forth in section 5301 (a) of this title;

"(4) review, annually, the comparability of the rates of pay and step increase policies within and between the various pay systems for such employees, taking into consideration such matters as the Commission determines have affected or may affect the comparability, including, but not limited to—

"(A) within-grade rates of pay employees are receiving due to differing length of service requirements for step increases, step increases without re-

gard to length of service, or different number of within-grade steps;

"(B) different rates of pay under the various pay systems for the same level of work;

"(C) pay distinctions not being maintained in keeping with work distinctions, the degree of responsibility placed, the scope and variety of tasks involved, or the extent of decisionmaking authority required; and

"(D) premium pay policies; and

"(5) except as provided in subsection (e) and subsection (g) of this section, prepare and submit annually to the Congress a report setting forth—

"(A) the comparison of rates of pay prepared pursuant to paragraph (2) of this subsection;

"(B) the exact national rates of pay for such employees prescribed by the Commission in accordance with paragraph (3) of this subsection; and

"(C) recommendations for legislation as may be necessary to achieve the comparability policy set forth in section 5301(a) of this title or to achieve comparability within and between pay systems for employees within the purview of section 5301(b) of this title.

"(d) (1) In the exercise of the authority and the per-

formance of the duties vested in and imposed upon the Commission by this section, the Commission—

"(A) shall seek the views, in such manner as the Commission may provide, of such employee organizations as the Commission considers appropriate; and

"(B) give thorough consideration to those views.

"(2) All decisions of the Commission shall be by a majority vote. The votes shall be recorded. A record shall be maintained of the views, assenting or dissenting, of the members of the Commission. The record of votes and views shall be available for public inspection and copying pursuant to section 552 of this title.

"(e) If a member of the Commission determines, and advises the Commission, that the rates of pay applicable to the appropriate pay system, as the rates are prescribed by the Commission, are not in conformity with the policy set forth in section 5301(a) of this title, the Commission shall submit, not later than February 1 following that determination, the rates of pay to the Board established by subsection (f) of this section for consideration by the Board.

"(f)(1) There is established, as a permanent agency of the Government, a Federal Employee Salary Board of Arbitration, referred to as the 'Board', which shall be composed of 7 members as follows:

"(A) 2 Members of the United States Senate desig-

nated by the President pro tempore of the Senate, each from a different political party;

"(B) 2 Members of the United States House of Representatives designated by the Speaker of the House, each from a different political party;

"(C) 1 designated by the Chairman of the Civil Service Commission;

"(D) 1, who may serve not more than 2 consecutive years, designated by a majority vote of the presidents of the four employee organizations which have designated members currently serving on the Commission under paragraph (5), (6), or (7) of subsection (b) of this section with each president of the employee organization under paragraph (5) or (7) having one vote and each president of the organizations under paragraph (6) having one-half vote; and

"(E) 1 designated by a majority of the members of the Board referred to in paragraphs (A) to (D), inclusive, of this subsection from the membership of the American Arbitration Association, who shall be Chairman of the Board.

"(2) The Board shall consider the rates of pay submitted to it by the Commission pursuant to subsection (e) of this section and determine whether or not the rates of pay conform with the policy set forth in section 5301(a)

of this title. If the Board determines that the rates of pay do not so conform, the Board shall prepare the rates of pay as will conform with that policy. The Board shall transmit to the Commission not later than the 30th day following the date the Board received the rates of pay submitted to it by the Commission, a report setting forth—

"(A) the decision of the Board with respect to the rates of pay submitted by the Commission;

"(B) the reasons for the decision of the Board; and

"(C) such rates of pay as the Board shall have determined to be necessary to conform with the policy set forth in section 5301 (a) of this title.

The decision of the Board, and such rates of pay as it may prepare in accordance with this paragraph, shall be final and conclusive.

"(g) (1) Except as provided in paragraph (2) of this subsection, the Commission shall submit to the Congress the first report pursuant to paragraph (5) of subsection (c) of this section, based on the 1969 national survey of professional, administrative, technical, and clerical pay, not later than February 1, 1970, and subsequent reports pursuant to such paragraph (5) not later than February 1 of each year thereafter.

"(2) In the case of the submission of rates of pay by

the Commission to the Board pursuant to subsection (e) of this section, the Commission, immediately upon receipt of the final and conclusive decision of the Board, shall submit to the Congress the decision of the Board and such rates of pay as the Board shall have determined to be necessary to conform with the policy set forth in section 5301 (a) of this title.

"(h) (1) The rates of pay submitted to the Congress as provided in subsection (c) (4) or subsection (g) of this section shall become effective at the beginning of the first pay period which begins on or after the adoption by both Houses of Congress (within the 60 day period following the date on which the rates of pay are submitted to the House of Representatives and the Senate), by the yeas and nays of a concurrent resolution stating in effect that the Senate and House of Representatives approve such rates of pay.

"(2) For the purposes of paragraph (1) of this subsection, in the computation of the 60 day period there shall be excluded the days on which either House is not in session because of adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die. The rates of pay submitted to the Congress shall be delivered to both Houses of the Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House of

Representatives is not in session and to the Secretary of the Senate if the Senate is not in session.

"(3) (A) The rates of pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28 shall be increased, effective on the first day of the first pay period which begins on or after the date on which increases become effective pursuant to this section, by amounts equal, as nearly as may be practicable, to the increases provided pursuant to this section for corresponding rates of pay.

"(B) Notwithstanding section 665 of title 31, the rates of pay of employees of an Executive agency and of the government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased pursuant to this section are hereby authorized to be increased, effective on the first day of the first pay period which begins on or after the date on which increases become effective pursuant to this section, by amounts not to exceed the increases provided pursuant to this section for corresponding rates of pay in the appropriate schedule or scale of pay.

"(C) This section does not authorize any increase in the rates of pay of employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with

the public interest in accordance with prevailing rates or practices.

"(D) This section does not impair any authority pursuant to which rates of pay may be fixed by administrative action.

"(4) Retroactive pay shall be paid by reason of this section only in the case of an individual in the service of the United States (including service in the armed forces) or the government of the District of Columbia on the day immediately following the close of the 60-day period specified in subsection (h) (1) of this section, except that such retroactive pay shall be paid—

"(A) to an employee who retired, during the period beginning on the first day of the first pay period which began on or after January 1, and ending on the day immediately following the close of the 60-day period specified in subsection (h) (1) of this section, for services rendered during that period, and

"(B) in accordance with subchapter VIII of chapter 55 of this title, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after January 1, and ending on the day immediately following the close of the 60-day period specified in subsection

(h) (1) of this section, by an employee who died during that period.

Such retroactive pay shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of this title, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased employee.

"(5) For the purposes of paragraph (4) of this section, service in the armed forces, in the case of an individual relieved from training and service in the armed forces or discharged from hospitalization following such training and service, includes the period provided by law for the mandatory restoration of the individual to a position in or under the Government of the United States or the government of the District of Columbia.

"(i) Each member and each associate member of the Commission and each member of the Board is entitled to travel expenses, including a per diem allowance in accordance with section 5703 (b) of this title. Each such member or associate member who is not a Member of Congress or an employee is entitled to pay at a rate equal to the per diem equivalent of the maximum rate of basic pay of the General Schedule for each day he is engaged in the performance of services for the Commission or the Board, as the case may be,

except that the member from the American Arbitration Association may be paid the usual fees prescribed by that Association.

"(j) (1) Without regard to the provisions of this title governing appointments in the competitive service and of chapter 51 of this title and subchapter III of this chapter, relating to classification and General Schedule pay rates—

"(A) the Commission and the Board each may appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of this title; and

"(B) with the approval of the Commission or the Board, as appropriate, the Executive Director may appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule) of such additional personnel as may be necessary to carry out the functions of the Commission or of the Board, as applicable, and may obtain services of experts or consultants in accordance with section 3109 of this title, but at rates for individuals not to exceed that of General Schedule 18.

"(2) Upon the request of the Commission or of the Board, the head of any department, agency, or establishment of any branch of the Government of the United States may detail, on a reimbursable basis, any of the personnel of such

department, agency, or establishment to assist the Commission or the Board, as appropriate, in carrying out its functions.

"(k) The Commission and the Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

"(l) The Administrator of the General Services shall provide administrative support services for the Commission and the Board on a reimbursable basis.

"(m) The rates of pay that take effect under this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

"(1) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of such rates (other than any provision of law enacted in the 60-day period specified in paragraph (1) of subsection (h) of this section with respect to such rates) ; and

"(2) any prior recommendations or adjustments which took effect under this section or prior provisions of law.

"(n) The rates of pay that take effect under this section shall be printed in—

"(1) the statutes at large in the same volume as public laws;

"(2) the Federal Register; and

"(3) the Code of Federal Regulations.

"(o) Any increase in rates of pay that takes effect under this section is not an equivalent increase in pay within the meaning of section 5335 of this title or section 3552 of title 39.

"(p) Any rate of pay that takes effect under this section shall be initially adjusted, effective on the effective date of such rate of pay, under conversion rules prescribed by the President or by such agency as the President may designate.

"(q) (1) The rates of pay of personnel subject to sections 210 and 214 of the Federal Salary Act of 1967 (81 Stat. 633, 635; Public Law 90–206), relating to Agricultural Stabilization and Conservation County Committee employees and to certain employees of the legislative branch of the Government, respectively, and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section, by amounts which are identical, insofar as practicable, to the amounts of the adjustments under this section for corresponding rates of pay for employees subject to the General Schedule, by the following authorities—

"(A) the Secretary of Agriculture, with respect to individuals employed by the county committees established under section 590h (b) of title 16;

"(B) the Financial Clerk of the Senate, with respect to the United States Senate;

"(C) the Finance Clerk of the House of Representatives, with respect to the United States House of Representatives; and

"(D) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol.

The provisions of this section shall not be construed to allow adjustments in the rates of pay of the following officers of the United States House of Representatives: Parliamentarian, Chaplain, Clerk, Minority Clerk, Sergeant at Arms, Minority Sergeant at Arms, Doorkeeper, Minority Doorkeeper, Postmaster, Minority Postmaster.

"(2) Notwithstanding section 665 of title 31, the rates of pay of employees in and under the judicial branch of the Government, whose rates of pay are fixed by administrative action pursuant to law and are not otherwise adjusted under this section may be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section, by amounts not to exceed the amounts of the adjustments under this section for corresponding rates of pay. The limitations fixed by

law with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges shall be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section, by amounts not to exceed the amounts of the adjustments under this section for corresponding rates of pay.".

SEC. 3. The table of contents of subchapter I of chapter 53 of title 5, United States Code, is amended by striking out—

"5302. Annual reports on pay comparability."

and inserting in lieu thereof—

"5302. Federal Employee Salary Commission; Federal Employee Salary Board of Arbitration.".

SEC. 4. Section 3552 (a) of title 39, United States Code, is amended to read as follows:

"(a) (1) Each employee subject to the Postal Field Service Schedule and each employee subject to the Rural Carrier Schedule who has not reached the highest step for his position shall be advanced successively to the next higher step as follows:

"(A) to steps 2, 3, 4, 5, 6, and 7—at the beginning of the first pay period following the completion of 26 calendar weeks of satisfactory service; and

"(B) to steps 8 and above—at the beginning of the

first pay period following the completion of 52 calendar weeks of satisfactory service.

"(2) The receipt of an equivalent increase during any of the waiting periods specified in this subsection shall cause a new full waiting period to commence for further step increases.

"(3) An employee subject to the Postal Field Service Schedule who returns to a position he formerly occupied at a lower level may, at his request, have his waiting periods adjusted, at the time of his return to the lower level, as if his service had been continuous in the lower level.".

SEC. 5. (a) Each employee in levels 1 through 11 of the Postal Field Service Schedule and each employee subject to the Rural Carrier Schedule—

(1) who is in a step below the 2 top steps of his level shall be advanced 2 steps; or

(2) who is in either of the 2 top steps of his level shall receive basic compensation at a rate equal to his rate of basic compensation in effect immediately prior to the effective date of this subsection plus the amount of 2 step increases of his level.

Changes in levels or steps which would otherwise occur on the effective date of this subsection without regard to the enactment of this subsection shall be deemed to have occurred prior to adjustments under this subsection. Each such em-

ployee who receives an adjustment under this subsection shall commence a new full waiting period, for further step increase purposes under section 3552(a) of title 39, United States Code, on the first day of the first pay period which begins on or after July 1, 1970, and service by such an employee on or after the effective date of this section and prior to the beginning of such pay period in July 1970 shall not be credited for such step increase purposes.

(b) For the purposes of the initial application of section 3552(a) of title 39, United States Code, as amended by section 4 of this Act, credit for satisfactory service performed by an employee in levels 12 or above of the Postal Field Service Schedule since his last step increase prior to the effective date of section 4 of this Act, shall be granted in an amount not in excess of the amount of service required for a one step increase applicable to the step category of the employee.

(c) The Postmaster General shall advance each employee in level 12 or above of the Postal Field Service Schedule—

(1) who was in level 12 or above on the effective date of this section and who did not receive a two-step increase pursuant to this section;

(2) who is senior with respect to total postal service to an employee in the same post office (A) who received

a two-step increase pursuant to this section and (B) who is promoted to the same level on or after the effective date of this section; and

(3) who is in a step in the same level below the step of the junior employee described in clauses (A) and (B) of subparagraph (2) of this subsection.

Such advancement by the Postmaster General shall be to the highest step which is held by any such junior employee. Any increase under the provisions of this subsection is not an equivalent increase within the meaning of section 3552 of title 39, United States Code. Credit earned prior to advancement under this subsection for advancement to the next step shall be retained for step increase purposes under such section 3552.

SEC. 6. Section 5545(c)(2) of title 5, United States Code, is amended to read as follows:

"(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night.

and Sunday duty, and for holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 per centum nor more than 25 per centum, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS–10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position.".

SEC. 7. (a) Section 5942 of title 5, United States Code, is amended to read as follows:

"§ 5942. Allowance based on duty at remote worksites

"Notwithstanding section 5536 of this title, an employee of an Executive department or independent establishment who is assigned to duty, except temporary duty, at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable amount of expense, hardship, and inconvenience on the part of the employee in commuting to and from his residence and such worksite is entitled, in addition to pay otherwise due him, to an allowance of not to exceed $10 a day. The allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and defining and designating those sites, areas, and groups of positions to which the rates apply.".

(b) Notwithstanding section 5536 of title 5, United

States Code, and the amendment made by subsection (a) of this section, and until the effective date of regulations prescribed by the President under such amendment—

(1) allowances may be paid to employees under section 5942 of title 5, United States Code, and the regulations prescribed by the President under such section, as in effect immediately prior to the effective date of this section; and

(2) such regulations may be amended or revoked in accordance with such section 5942 as in effect immediately prior to the effective date of this section.

(c) The table of contents of subchapter IV of chapter 59 of title 5, United States Code, is amended by striking out—

"5942. Allowance based on duty on California offshore islands or at Nevada Test Site."

and inserting in lieu thereof—

"5942. Allowance based on duty at remote worksites.".

SEC. 8. (a) Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations

"(a) An employee of the Corps of Engineers, Depart-

ment of the Army, engaged in floating plant operations may be furnished quarters or subsistence, or both, on vessels, without charge, when the furnishing of the quarters or subsistence, or both, is determined to be equitable to the employee concerned, and necessary in the public interest, in connection with such operations.

"(b) Notwithstanding section 5536 of this title, an employee entitled to the benefits of subsection (a) of this section while on a vessel, may be paid, in place of these benefits, an allowance for quarters or subsistence, or both, when—

"(1) adverse weather conditions or similar circumstances beyond the control of the employee or the Corps of Engineers prevent transportation of the employee from shore to the vessel; or

"(2) quarters or subsistence, or both, are not available on the vessel while it is undergoing repairs.

"(c) The quarters or subsistence, or both, or allowance in place thereof, may be furnished or paid only under regulations prescribed by the Secretary of the Army.".

(b) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by adding—

"5947. Quarters subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations."

immediately below—

"5946. Membership fees; expenses of attendance at meetings; limitations.".

(c) The Act entitled "An Act to authorize the furnishing of subsistence and quarters without charge to employees of the Corps of Engineers engaged on floating plant operations", approved May 13, 1955 (69 Stat. 48; Public Law 35, Eighty-fourth Congress) is repealed.

SEC. 9. (a) This section, the first section, and sections 2 and 3 of this Act shall become effective on the date of enactment of this Act.

(b) Sections 5, 6, 7, and 8 of this Act shall become effective on the first day of the first pay period which begins on or after October 1, 1969.

(c) Section 4 of this Act shall become effective on the first day of the first pay period which begins on or after July 1, 1970.

Passed the House of Representatives October 14, 1969.

Attest: W. PAT JENNINGS,

Clerk.

91ST CONGRESS
1ST SESSION

H. R. 13000

AN ACT

To implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.

OCTOBER 16, 1969

Read twice and referred to the Committee on Post Office and Civil Service

Dec. 8, 1969

EXTENSION OF REMARKS

19. INSECT CONTROL. Rep. Schweiker inserted his and several other speeches discussing ways of "curbing the widening threat" of the Gypsy moth insect pest. pp. E10402-4

20. PARITY. Rep. Zwach inserted the latest parity figures for Nov. 1969. p. E10413

21. POLLUTION. Rep. Vander Jagt discussed the "challenge of the problems which we have created for ourselves in the pollution of our environment." pp. E10427-9

22. RECREATION. Rep. Brown, Calif., inserted a group of analyses, articles and editorials concerning the Mineral King controversy. pp. E10430-8
Rep. Dingell inserted an article, "Congress Must Protect Sleeping Bear Dunes." p. E10445

23. OMBUDSMAN. Rep. Reuss inserted an article, "Public Servants in the New Zealand Ombudsman System," and stated that it brings up points favorable to an ombudsman system that could be adopted by the U. S. pp. E10467-9

BILLS INTRODUCED

24. FOREST FIRES. S. 3212 by Sen. Packwood, to provide a method for paying costs of fires caused without negligence in connection with national forest timber sales operations; to the Agriculture and Forestry Committee. Remarks of author p. S16033.

25. FAMILY PLANNING. S. 3219 by Sen. Javits, to amend the Public Health Service Act to provide for special project grants for the provision of family planning services and related research, training, and technical assistance; to the Labor and Public Welfare Committee. Remarks of author pp. S16094-5.

26. FOOD STAMP. H. R. 15116 by Rep. Kastenmeier, to amend the Food Stamp Act of 1964; to the Agriculture Committee. Remarks of author p. H11924.

27. FLOOD CONTROL. H. R. 15134 by Rep. Cramer, to amend the River and Harbor Act of 1960 and the Act of August 13, 1946, to increase certain authorizations with respect to small projects; to the Public Works Committee.

28. AIR POLLUTION. H. R. 15137 by Rep. Jarman, to amend the Clean Air Act to authorize appropriations to carry out such act through fiscal year 1973; to the Interstate and Foreign Commerce Committee.

29. MINK IMPORTS. H. R. 15144 by Rep. Roudebush, to amend the Tariff Schedules of the U. S. with respect to the rate of duty on whole skins of mink; to the Ways and Means Committee.

30. RESEARCH. H. R. 15147 by Rep. Dingell, to amend the Marine Resources and Engineering Development Act of 1966 to establish, within the Department of the Interior, a comprehensive and long-range national program of research, development, technical services, exploration, and utilization with respect to our marine and atmospheric environment; to the Merchant Marine and Fisheries Committee.

9. CONGRESS. Rep. Price, Ill., urged the President to "come along with this responsible Congress" and together put programs into action for the benefit of all people. pp. H11930-1

10. ATOMIC ENERGY. Rep. Price, Ill., inserted Rep. Hollifield's remarks, "The 1970's -- A Critical Era in Nuclear Power." pp. H11931-3

11. FAMILY PLANNING; HEALTH. Received from HEW a proposed bill to amend the Public Health Service Act to provide for special project grants for the provision of family planning services and related research, training, and technical assistance; to the Interstate and Foreign Commerce Committee. p. H11937

SENATE

12. TAX REFORM. Continued debate on H. R. 13270, the tax reform bill (pp. S16033-34, S16048-49, S16052-91, S16095-122). Agreed to an amendment by Sen. Curtis to extend from Feb. 15 to Mar. 15 the deadline for farmers to file tax returns considered as declarations or amendments (pp. S16059-60), and an amendment by Sen. Hansen to provide, in the case of farm loss provisions, the $25,000 loss exception and $50,000 income provision would apply to corporations in the same way as to individuals (S16065).

13. MIGRANT WORKERS. Sen. Mondale submitted an amendment to S. 2660, the proposed Migrant Health Act, to provide health improvement programs for those migrant farm workers excluded from the protection of health care laws; to the Labor and Public Welfare Committee. pp. S16034-35

14. CIVIL SERVICE. The Post Office and Civil Service Committee reported with amendment H. R. 9233, to amend title 5, USC, to promote the efficient and effective use of the revolving fund of the Civil Service Commission in connection with certain functions of the Commission (S. Rept. 91-581). p. S16032

15. PAY COMPARABILITY. The Post Office and Civil Service Committee reported with amendments H. R. 13000, to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration (S. Rept. 91-582). p. S16032

16. LAND GRANT COLLEGES. The Interior and Insular Affairs Committee reported with amendments S. 1148, to amend the Revised Organic Act of the Virgin Islands (S. Rept. 91-580). p. S16032

17. POLLUTION. Sen. Moss recited the growing dangers of pollution of the air and waters of this planet, inserted his New Haven speech on the subject. pp. S16044-46

18. ENVIRONMENT. Sen. Moss commented on reports that the Administration has recommended the establishment of a Department of Natural Resources and Environment; inserted two newspaper articles favoring the proposal. pp. S16046-47

Calendar No. 577

91st Congress
1st Session

SENATE

Report
No. 91–582

FEDERAL PAY LEGISLATION

December 8, 1969.—Ordered to be printed

Mr. McGee, from the Committee on Post Office and Civil Service, submitted the following

REPORT

[To accompany H.R. 13000]

The Committee on Post Office and Civil Service, to which was referred the bill (H.R. 1300) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission, and a Board of Arbitration, and for other purposes, having considered the, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The Pay Situation for Federal Employees

In 1962, Congress enacted the Federal Salary Reform Act, establishing the principle that Federal salaries shall annually be adjusted to conform to pay rates for similar levels of responsibility and job characteristics found in private enterprise. This principle was a significant departure from the policy which had governed Federal salary changes for many years. It was based on the theory that to recruit and retain the best people available in the labor market, the Federal Government must pay comparable salaries and provide comparable fringe benefit programs with private industry.

Each year the Bureau of Labor Statistics conducts a survey between May and September to determine what salaries are being paid in the private sector of the economy. After the survey has been completed, the Civil Service Commission, or such other agency as the President may direct, evaluates the data gathered and reports to the President on what comparability rates should be paid Federal employees. The President subsequently reports to the Congress his recommendations for pay adjustments. In each year since the 1962 act, through 1967, the recommendations of the President were in the form of proposed legislation. In 1967, the Federal Employees Salary Act authorized the President to make pay adjustments by Executive order to close the gap

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between Federal and private enterprise pay rates. In July 1968 and July 1969, this was done, and currently Federal pay rates are as nearly comparable to those in private enterprise as the present pay-adjustment procedure permits. An exception exists above GS–15, where comparability is not sought. However, the Federal pay schedules in effect today are based on a survey directly related to private enterprise pay as of June 1968—18 months ago. The July 1969 adjustment made by the President under Executive Order 11474 increased Federal salaries by an average of 9.1 percent for the general schedule and 4.7 percent for the postal field service schedule. This increase finally brought about pay comparability first promised in Public Law 87–793.

The Bureau of Labor Statistics' survey of private enterprise salaries for 1969, recently completed, indicates that salaries in the private sector of the economy between June 1968 and June 1969, have risen an average of 5.8 percent. During the same period of time, the Consumer Price Index rose 7.4 percent from June 1968 to October, 1969, also the most recent data available. Thus, even in the private sector of the economy, inflation has adversely affected the purchasing power of employees; but it has had an even greater impact upon the purchasing power of Federal employees, whose salaries are a year-and-a-half behind the times.

The Time Lag Problem

Ever since the enactment of the 1962 statute, there has been a significant elapse of time between the Bureau of Labor Statistics' comparability survey and the effective date of new salary rates based on that survey. In 1964 and 1967, the committee made pay adjustments retroactive by 2 months; but retroactive pay is not always appropriate and does not, in any event, resolve the basic time lag problem. The President's recommendations for pay adjustments in 1970, for instance, will under existing law require the enactment of legislation in order to become effective. Assuming that a new statute is enacted making his recommendations effective July 1, 1970, the rates of pay would be exactly 12 months out of date.

It does take time to gather and evaluate statistical data on pay comparability, but it is unfair to Federal employees to penalize them by this delay and it certainly does not fulfill the policy of comparability. So long as prices and wages remained relatively stable, the impact of the time lag was not as significant as it has become in the past 2 years. But in the current economic situation, with wholesale and retail prices increasing at annual rates far in excess of anything approaching stability, the time lag has an extremely adverse effect. This is particularly evident in the case of employees in the lower levels of pay. Purchasing power for the letter carrier, the postal clerk or the rank-and-file civil service employee declines with every Price Index Report. In addition, recent changes in the Civil Service Retirement Act made by Public Law 91–93, and recent increases in the cost of almost all hospitalization and medical insurance plans carried by Federal employees will further reduce take-home pay as of January 1, 1970. On that day the deduction from the gross annual pay of all employees for civil service retirement will be increased by one-half of 1 percent and the hospital insurance premium for the most popular plan will go up from $316.16 to $353.34 a year.

The average postal employee (letter carrier or clerk) is in PFS–5, step 4, paid a basic annual salary of $6,794. His biweekly paycheck is $261.60. If he is married, has two children, and participates in retirement and the most popular insurance plan available to him, his take-home pay is $206.61 every 2 weeks. Because of increase deductions in insurance and retirement, his biweekly take-home pay in January will drop to $203.36. At the same time, the purchasing power of his dollar will have continued to decline based on current Consumer Price Index indications.

The committee believes that Federal employees should not suffer another decrease in their take-home pay as a result of changes in deductions at a time when costs continue to increase. The effect of the bill recommended in H.R. 13000 as amended by the committee would be to prevent the drop in take-home pay just described, and instead provide that the same letter carrier or postal clerk have a take-home check that will permit him a barely discernible increase in buying power—certainly justified on the basis of comparability with private enterprise and the rising costs of living.

The committee recommendation will mean that the average clerk or carrier will have a take-home pay of $211.26 every 2 weeks rather than $203.36, the result of the January deduction increases if no pay increase is enacted. The result is a salary boost of $7.90 every 2 weeks, or just under 10 cents an hour.

The Committee Recommendation

The committee recommends that Federal employees in all executive agencies, up through GS–15 or its equivalent, receive a pay increase effective January 1, 1970, by a decreasing percentage, beginning with 4 percent for employees in pay grades the initial rate of which is now less than $10,000; 3 percent for employees in grades between $10,000 and $15,000; 2 percent for employees in grades between $15,000 and $20,000; and 1 percent for employees in grade GS–15 and its equivalent in other pay systems. The committee recommends that there be no pay increase for employees above GS–15 or its equivalent in other systems; and that there be no pay increase for employees of the Congress, most of whose salaries can be adjusted by administrative action.

The committee has taken into account the very stringent necessity for fiscal responsibility at the present time. The efforts of the present administration to control inflation include the very strong suggestion that Federal salaries remain at their present levels. Recognizing the necessity for prudence, the Committee has eliminated provisions of the bill, as referred from the House of Representatives, for any pay adjustment other than a "bare bones" minimum adjustment for employees who are most seriously affected by inflation. The House recommendation for a permanent commission on salary adjustments has been deleted, and no changes in existing law relating to pay other than the statutory schedules are included. The corrections of other pay inequities will be deferred for later consideration. The necessity for establishing an independent commission to consider pay adjustments, with provisions for binding settlement if agreement cannot be reached, will also be considered at a later date.

July 1970 Increase

In order to avoid the necessity of enacting another pay bill in 1970, the committee recommends an extension of the authority given the President in the 1967 salary legislation to make pay increases on the basis of the 1969 comparability, effective July 1, 1970. To insure that employees play a fair role in evaluating the comparability system data, the committee recommends that union representatives be permitted to participate in the evaluation of such data by the Civil Service Commission or whatever other agency the President, under law, may direct to evaluate comparability data. The Commission is directed to consult and give full and fair consideration to the suggestions and recommendations of these employee representatives, and to provide adequate means for these representatives to express differing viewpoints in the report on comparability.

The committee believes that it cannot do more than it has done to strike a fair and completely justifiable balance between the needs of our employees and necessity to hold Federal spending to a reasonable, noninflationary level.

Public Hearings

The committee has held 3 days of public hearings on H.R. 13000 and related legislation on September 22, October 1, and October 2, 1969.

Cost

The committee estimates that the enactment of H.R. 13000 as amended by the committee will cost approximately $360 million in fiscal year 1970 for all civilian employees covered by the legislation. Beginning in fiscal year 1971, the annual cost is estimated at approximately $720 million. The civilian payroll of the Federal Government at the present time is approximately $21.5 billion a year, excluding blue-collar employees whose salaries are not adjusted by the Congress.

Changes in Existing Law

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law in which no change is proposed is shown in roman; existing law proposed to be omitted is enclosed in black brackets; new matter is shown in italic):

I. Title 5, United States Code

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CHAPTER 53

SUBCHAPTER I—PAY COMPARABILITY SYSTEM

§ 5301. Policy

It is the policy of Congress that Federal pay fixing be based on the principles that—

(1) there be equal pay for substantially equal work, and pay distinctions be maintained in keeping with work and performance distinctions; and

(2) Federal pay rates be comparable with private enterprise pay rates for the same levels of work.

Pay levels for the several Federal statutory pay systems shall be interrelated, and pay levels shall be set and adjusted in accordance with these principles.

§ 5302. Annual reports on pay comparability

In order to carry out the policy stated by section 5301 of this title, the President shall—

(1) direct such agency as he considers appropriate, to prepare and submit to him annually a report which compares the rates of pay fixed by statute for employees with the rates of pay paid for the same levels of work in private enterprise as determined on the basis of appropriate annual surveys conducted by the Bureau of Labor Statistics; [and]

[(2) after seeking the views of such employee organizations as he considers appropriate and in such manner as he may provide, report annually to Congress—

(A) this comparison of Federal and private enterprise pay rates; and

(B) such recommendations for revision of statutory pay schedules, pay structures, and pay policy, as he considers advisable.]

(2) appoint 4 representatives of organizations of employees of the Government of the United States, including 2 representatives of organizations of employees in the postal field service of the Post Office Department, to participate directly in all phases of evaluating data relating to pay comparability, and in the preparation and presentation of the report to the President; and

(3) present each year to the Congress a report on the comparison of Federal pay to private enterprise pay, and shall include in his report his recommendations for changes in the rates of pay or changes in salary structure, alinement, or other characteristics of Federal pay as he deems to be in compliance with the provisions of section 5301 of this title.

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SUBCHAPTER III—GENERAL SCHEDULE PAY RATES

§ 5331. Definitions; application

(a) For the purpose of this subchapter, "agency", "employee", "position", "class", and "grade" have the meanings given them by section 5102 of this title.

(b) This subchapter applies to employees and positions to which chapter 51 of this title applies.

§ 5332. The General Schedule

(a) The General Schedule, the symbol for which is "GS", is the basic pay schedule for positions to which this subchapter applies. Each employee to whom this subchapter applies is entitled to basic pay in accordance with the General Schedule.

GENERAL SCHEDULE

Grade	Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
GS–1	$3,889	$4,019	$4,149	$4,279	$4,408	$4,538	$4,668	$4,798	$4,928	$5,057
GS–2	4,360	4,505	4,650	4,795	4,940	5,085	5,230	5,375	5,520	5,665
GS–3	4,917	5,081	5,245	5,409	5,573	5,737	5,901	6,065	6,229	6,393
GS–4	5,552	5,706	5,890	6,074	6,258	6,442	6,626	6,810	6,994	7,178
GS–5	6,176	6,382	6,588	6,794	7,000	7,206	7,412	7,618	7,824	8,030
GS–6	6,882	7,111	7,340	7,569	7,798	8,027	8,256	8,485	8,714	8,943
GS–7	7,639	7,894	9,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934
GS–8	8,449	8,731	9,013	9,295	9,577	9,859	10,141	10,423	10,705	10,987
GS–9	9,320	9,631	9,942	10,253	10,564	10,875	11,186	11,497	11,808	12,119
GS–10	10,252	10,594	10,936	11,278	11,620	11,962	12,304	12,646	12,988	13,330
GS–11	11,233	11,607	11,981	12,355	12,729	13,103	13,477	13,851	14,225	14,599
GS–12	13,389	13,835	14,281	14,727	15,173	15,619	16,065	16,511	16,957	17,403
GS–13	15,812	16,339	16,866	17,393	17,920	18,447	18,974	19,501	20,028	20,555
GS–14	18,531	19,149	19,767	20,385	21,003	21,621	22,239	22,857	23,475	24,093
GS–15	21,589	22,309	23,029	23,749	24,469	25,189	25,909	26,629	27,349	28,069
GS–16	25,044	26,879	26,714	27,549	28,384	29,219	30,054	30,889	31,724	
GS–17	28,976	29,942	30,908	31,874	32,840					
GS–18	33,495									

Grade	*Annual rates and steps*									
	1	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*
GS–1	*$4,045*	*$4,180*	*$4,315*	*$4,450*	*$4,585*	*$4,720*	*$4,855*	*$4,990*	*$5,125*	*$5,260*
GS–2	*4,534*	*4,685*	*4,836*	*4,987*	*5,138*	*5,289*	*5,440*	*5,591*	*5,742*	*5,893*
GS–3	*5,115*	*5,285*	*5,455*	*5,625*	*5,795*	*5,965*	*6,135*	*6,305*	*6,475*	*6,645*
GS–4	*5,744*	*5,935*	*6,126*	*6,317*	*6,058*	*6,699*	*6,890*	*7,081*	*7,272*	*7,463*
GS–5	*6,424*	*6,638*	*6,852*	*7,066*	*7,280*	*7,494*	*7,708*	*7,922*	*8,136*	*8,350*
GS–6	*7,155*	*7,394*	*7,633*	*7,872*	*8,111*	*8,350*	*8,589*	*8,828*	*9,067*	*9,306*
GS–7	*7,945*	*8,210*	*8,475*	*8,740*	*9,005*	*9,270*	*9,535*	*9,800*	*10,065*	*10,330*
GS–8	*8,788*	*9,081*	*9,374*	*9,667*	*9,960*	*10,253*	*10,546*	*10,839*	*11,132*	*11,425*
GS–9	*9,694*	*10,017*	*10,340*	*10,663*	*10,986*	*11,309*	*11,632*	*11,955*	*12,278*	*12,601*
GS–10	*10,500*	*10,912*	*11,264*	*11,616*	*11,968*	*12,320*	*12,672*	*13,024*	*13,376*	*13,728*
GS–11	*11,568*	*11,954*	*12,340*	*12,726*	*13,112*	*13,498*	*13,884*	*14,270*	*14,656*	*15,042*
GS–12	*13,789*	*14,249*	*14,709*	*15,169*	*15,629*	*16,089*	*16,549*	*17,009*	*17,469*	*17,929*
GS–13	*16,127*	*16,665*	*17,203*	*17,741*	*18,279*	*18,817*	*19,355*	*19,893*	*20,431*	*20,969*
GS–14	*18,903*	*19,533*	*20,163*	*20,793*	*21,423*	*22,053*	*22,683*	*23,313*	*23,943*	*24,573*
GS–15	*21,805*	*22,532*	*23,259*	*23,986*	*24,713*	*25,440*	*26,167*	*26,894*	*27,621*	*28,348*
GS–16	*25,044*	*25,879*	*26,714*	*27,549*	*28,384*	*29,219*	*30,054*	*30,889*	*31,724*	
GS–17	*28,976*	*29,942*	*30,908*	*31,874*	*32,840*					
GS–18	*33,495*									

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II. Title 38, United States Code

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§ 4107. Grades and pay scales

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Section 4103 Schedule

Assistant Chief Medical Director, $33,495.
Medical Director, $28,976 minimum to $32,840 maximum.
Director of Nursing Service, $21,589 minimum to $28,069 maximum.
Director of Chaplain Service, $21,589 minimum to $28,069 maximum.
Chief Pharmacist, $21.589 minimum to $28,069 maximum.
Chief Dietitian, $21,589 minimum to $28,069 maximum.

Physician and Dentist Schedule

Director grade, $25,044 minimum to $31,724 maximum.
Executive grade, $23,273 minimum to $30,257 maximum.
Chief grade, $21,589 minimum to $28,069 maximum.
Senior grade, $18,531 minimum to $24,093 maximum.
Intermediate grade, $15,812 minimum to $20,555 maximum.
Full grade, $13,389 minimum to $17,403 maximum.
Associate grade, $11,233 minimum to $14,599 maximum.

Nurse Schedule

Assistant Director grade, $18,531 minimum to $24,093 maximum.
Chief grade, $15,812 minimum to $20,555 maximum.
Senior grade, $13,389 minimum to $17,403 maximum.
Intermediate grade, $11,233 minimum to $14,599 maximum.
Full grade, $9,320 minimum to $12,119 maximum.
Associate grade, $8,037 minimum to $10,449 maximum.
Junior grade, $6,882 minimum to $8,943 maximum.

Section 4103 Schedule

Assistant Chief Medical Director, $33,495.
Medical Director, $28,976 minimum to $32,840 maximum.
Director of Nursing Service, $21,805 minimum to $28,348 maximum.
Director of Chaplain Service, $21,805 minimum to $28,348 maximum
Chief Pharmacist, $21,805 minimum to $28,348 maximum.
Chief Dietitian, $21,805 minimum to $28,348 maximum.

(b)(1) The grades and per annum full-pay ranges for positions provided in paragraph (1) of section 4104 of this title shall be as follows:

Physician and Dentist Schedule

Director grade, $25,044 minimum to $31,724 maximum.
Executive grade, $23,273 minimum to $30,257 maximum.
Chief grade, $21,805 minimum to $28,348 maximum.
Senior grade, $18,903 minimum to $24,573 maximum.
Intermediate grade, $16,127 minimum to $20,969 maximum.
Full grade, $13,789 minimum to $17,929 maximum.
Associate grade, $11,568 minimum to $15,042 maximum.

Nurse Schedule

Assistant Director grade, $18,903 minimum to $24,573 maximum.
Chief grade, $16,127 minimum to $20,969 maximum.
Senior grade, $13,789 minimum to $17,929 maximum.
Intermediate grade, $11,568 minimum to $15,042 maximum.
Full grade, $9,694 minimum to $12,601 maximum.
Associate grade, $8,358 minimum to $10,869 maximum.
Junior grade, $7,155 minimum to $9,306 maximum.

III. Title 39, United States Code

CHAPTER 35

§ 3542. Postal Field Service Schedule

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POSTAL FIELD SERVICE SCHEDULE

Level	Annual rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
PFS-1	$4,522	$4,673	$4,824	$4,975	$5,126	$5,277	$5,428	$5,579	$5,730	$5,881	$6,032	$6,183
PFS-2	4,889	5,052	5,215	5,378	5,541	5,704	5,867	6,030	6,193	6,356	6,519	6,682
PFS-3	5,286	5,462	5,638	5,814	5,990	6,166	6,342	6,518	6,694	6,870	7,046	7,222
PFS-4	5,715	5,905	6,095	6,285	6,475	6,665	6,855	7,045	7,235	7,425	7,615	7,805
PFS-5	6,176	6,382	6,588	6,794	7,000	7,206	7,412	7,618	7,824	8,030	8,236	8,442
PFS-6	6,675	6,898	7,121	7,344	7,567	7,790	8,013	8,236	8,459	8,682	8,905	9,128
PFS-7	7,216	7,457	7,698	7,939	8,180	8,421	8,662	8,903	9,144	9,385	9,626	9,867
PFS-8	7,802	8,062	8,322	8,582	8,842	9,102	9,362	9,622	9,882	10,142	10,402	
PFS-9	8,434	8,715	8,996	9,277	9,558	9,839	10,120	10,401	10,682	10,963		
PFS-10	9,101	9,404	9,707	10,010	10,313	10,616	10,919	11,222	11,525	11,828		
PFS-11	10,110	10,447	10,784	11,121	11,458	11,795	12,132	12,469	12,806	13,143		
PFS-12	11,233	11,607	11,981	12,355	12,729	13,103	12,477	13,851	14,225	14,599		
PFS-13	12,478	12,894	13,310	13,726	14,142	14,588	14,974	15,390	15,806	16,222		
PFS-14	13,864	14,326	14,788	15,250	15,712	16,174	16,636	17,098	17,560	18,022		
PFS-15	15,404	15,917	16,430	16,943	17,456	17,969	18,482	18,995	19,508	20,021		
PFS-16	17,114	17,684	18,254	18,824	19,394	19,964	20,534	21,104	21,674	22,244		
PFS-17	19,011	19,645	20,279	20,913	21,547	22,181	22,815	23,449	24,083	24,717		
PFS-18	21,122	21,826	22,530	23,234	23,938	24,642	25,346	26,050	26,754	27,458		
PFS-19	23,467	24,249	25,031	25,813	26,595	27,377	28,159	28,941	29,723	30,505		
PFS-20	26,071	26,940	27,809	28,678	29,547	30,416	31,285	32,154				
PFS-21	28,976	29,942	30,908	31,874	32,840							

POSTAL FIELD SERVICE SCHEDULE

PFS	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*
1	*$4,703*	*$4,860*	*$5,017*	*$5,174*	*$5,331*	*$5,488*	*$5,645*	*$5,802*	*$5,959*	*$6,116*	*$6,273*	*$6,430*
2	*5,084*	*5,254*	*5,424*	*5,594*	*5,764*	*5,934*	*6,104*	*6,274*	*6,444*	*6,614*	*6,784*	*6,954*
3	*5,498*	*5,681*	*5,864*	*6,047*	*6,230*	*6,413*	*6,596*	*6,779*	*6,962*	*7,145*	*7,328*	*7,511*
4	*5,948*	*6,141*	*6,339*	*6,537*	*6,735*	*6,933*	*7,131*	*7,329*	*7,529*	*7,725*	*7,923*	*8,121*
5	*6,424*	*6,638*	*6,852*	*7,066*	*7,280*	*7,494*	*7,708*	*7,922*	*8,136*	*8,350*	*8,564*	*8,778*
6	*6,942*	*7,174*	*7,406*	*7,638*	*7,870*	*8,102*	*8,334*	*8,566*	*8,798*	*9,030*	*9,262*	*9,494*
7	*7,504*	*7,755*	*8,006*	*8,257*	*8,508*	*8,759*	*9,010*	*9,261*	*9,512*	*9,763*	*10,014*	*10,265*
8	*8,117*	*8,387*	*8,657*	*8,927*	*9,197*	*9,467*	*9,737*	*10,007*	*10,277*	*10,547*	*10,817*	
9	*8,773*	*9,035*	*9,357*	*9,649*	*9,941*	*10,233*	*10,526*	*10,817*	*11,109*	*11,401*		
10	*9,466*	*9,781*	*10,096*	*10,411*	*10,726*	*11,041*	*11,356*	*11,671*	*11,986*	*12,301*		
11	*10,414*	*10,761*	*11,108*	*11,455*	*11,802*	*12,149*	*12,496*	*12,843*	*13,190*	*13,537*		
12	*11,568*	*11,954*	*12,340*	*12,726*	*13,112*	*13,498*	*13,884*	*14,270*	*14,656*	*15,042*		
13	*12,856*	*13,284*	*13,712*	*14,140*	*41,568*	*14,996*	*15,424*	*15,852*	*16,280*	*16,708*		
14	*14,279*	*14,755*	*15,231*	*15,707*	*16,183*	*16,659*	*17,135*	*17,611*	*18,087*	*18,563*		
15	*15,714*	*16,237*	*16,760*	*17,283*	*17,806*	*18,329*	*18,852*	*19,375*	*19,898*	*20,421*		
16	*17,459*	*18,040*	*18,621*	*19,202*	*19,783*	*20,364*	*20,945*	*21,526*	*22,107*	*22,688*		
17	*19,204*	*19,844*	*20,484*	*21,124*	*21,764*	*22,404*	*23,044*	*23,684*	*24,324*	*24,964*		
18	*21,122*	*21,826*	*22,530*	*23,234*	*23,938*	*24,642*	*25,346*	*26,050*	*26,754*	*27,458*		
19	*23,467*	*24,249*	*25,031*	*25,813*	*26,595*	*27,377*	*28,159*	*28,941*	*29,723*	*30,505*		
20	*26,071*	*26,940*	*27,809*	*28,678*	*29,547*	*30,416*	*31,285*	*32,154*				
21	*28,976*	*29,942*	*30,908*	*31,874*	*32,840*							

§ 3543. Rural Carrier Schedule

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RURAL CARRIER SCHEDULE

	Annual rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
Fixed compensation	$2,786	$2,932	$3,078	$3,224	$3,370	$3,516	$3,662	$3,808	$3,954	$4,100	$4,246	$4,392
For each mile up to 30 miles of route	103	105	107	109	111	113	115	117	119	121	123	125
For each mile of route over 30	25	25	25	25	25	25	25	25	25	25	25	25

RURAL CARRIER SCHEDULE

	Per annum rates and steps											
	1	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*
Fixed compensation	*$2,914*	*$3,068*	*$3,222*	*$3,376*	*$3,630*	*$3,684*	*$3,838*	*$3,992*	*$4,146*	*$4,300*	*$4,454*	*$4,608*
For each mile up to 30 miles of route	*107*	*109*	*111*	*113*	*115*	*117*	*119*	*121*	*123*	*125*	*127*	*129*
For each mile of route over 30	*25*	*25*	*25*	*25*	*25*	*25*	*25*	*25*	*25*	*25*	*25*	*25*

IV. Foreign Service Act of 1946

(22 USC 867, 870(a))

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Section 412

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Class 1	$31,705	$32,762	$33,495				
Class 2	24,867	25,696	26,525	$27,354	$28,183	$29,012	$29,841
Class 3	19,704	20,361	21,018	21,675	22,332	22,989	23,646
Class 4	15,812	16,339	16,866	17,393	17,920	18,447	18,974
Class 5	12,848	13,276	13,704	14,132	14,560	14,988	15,416
Class 6	10,608	10,962	11,316	11,670	12,024	12,378	12,732
Class 7	8,916	9,213	9,510	9,807	10,104	10,401	10,698
Class 8	7,639	7,894	8,149	8,404	8,659	8,914	9,169

Class 1	*$31,705*	*$32,762*	*$33,495*				
Class 2	*24,867*	*25,696*	*26,525*	*$27,354*	*$28,183*	*$29,012*	*$29,841*
Class 3	*19,903*	*20,566*	*21,229*	*21,892*	*22,555*	*23,218*	*23,881*
Class 4	*16,127*	*16,665*	*17,203*	*17,741*	*18,279*	*18,817*	*19,355*
Class 5	*13,233*	*13,674*	*14,115*	*14,556*	*14,997*	*15,438*	*15,879*
Class 6	*10,928*	*11,292*	*11,656*	*12,020*	*12,384*	*12,748*	*13,112*
Class 7	*9,272*	*9,581*	*9,890*	*10,199*	*10,508*	*10,817*	*11,126*
Class 8	*7,945*	*8,210*	*8,475*	*8,740*	*9,005*	*9,270*	*9,535*

Sec. 415.

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Class 1	$19,704	$20,361	$21,018	$21,675	$22,332	$22,989	$23,646	$24,303	$24,960	$25,617
Class 2	15,812	16,339	16,866	17,393	17,920	18,447	18,974	19,501	20,028	20,555
Class 3	12,848	13,276	13,704	14,132	14,560	14,988	15,416	15,844	16,272	16,700
Class 4	10,608	10,962	11,316	11,670	12,024	12,378	12,732	13,086	13,440	13,794
Class 5	9,517	9,834	10,151	10,468	10,785	11,102	11,419	11,736	12,053	12,370
Class 6	8,536	8,820	9,104	9,388	9,672	9,956	10,240	10,524	10,808	11,092
Class 7	7,655	7,910	8,165	8,420	8,675	8,930	9,185	9,440	9,695	9,950
Class 8	6,865	7,094	7,323	7,552	7,781	8,010	8,239	8,468	8,697	8,926
Class 9	6,158	6,363	6,568	6,773	6,978	7,183	7,388	7,593	7,798	8,003
Class 10	5,522	5,706	5,890	6,074	6,258	6,442	6,626	6,810	6,994	7,178

Class 1	*$19,903*	*$20,566*	*$21,229*	*$21,892*	*$22,555*	*$23,218*	*$23,881*	*$24,544*	*$25,207*	*$25,870*
Class 2	*16,127*	*16,665*	*17,203*	*17,741*	*18,279*	*18,817*	*19,355*	*19,893*	*20,431*	*20,969*
Class 3	*13,233*	*13,674*	*14,115*	*14,556*	*14,997*	*15,438*	*15,879*	*16,320*	*16,761*	*17,202*
Class 4	*10,928*	*11,292*	*11,656*	*12,020*	*12,384*	*12,748*	*13,112*	*13,476*	*13,840*	*14,204*
Class 5	*9,801*	*10,128*	*10,455*	*10,782*	*11,109*	*11,436*	*11,763*	*12,090*	*12,417*	*12,744*
Class 6	*8,876*	*9,172*	*9,468*	*9,764*	*10,060*	*10,356*	*10,652*	*10,948*	*11,244*	*11,540*
Class 7	*7,962*	*8,227*	*8,492*	*8,757*	*9,022*	*9,287*	*9,552*	*9,817*	*10,082*	*10,347*
Class 8	*7,140*	*7,378*	*7,616*	*7,854*	*8,092*	*8,330*	*8,568*	*8,806*	*9,044*	*9,282*
Class 9	*6,405*	*6,618*	*6,831*	*7,044*	*7,257*	*7,470*	*7,683*	*7,896*	*8,109*	*8,322*
Class 10	*5,744*	*5,935*	*6,126*	*6,317*	*6,508*	*6,699*	*6,890*	*7,081*	*7,272*	*7,463*

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Calendar No. 577

91ST CONGRESS
1ST SESSION

H. R. 13000

[Report No. 91–582]

IN THE SENATE OF THE UNITED STATES

OCTOBER 16, 1969

Read twice and referred to the Committee on Post Office and Civil Service

DECEMBER 8, 1969

Reported by Mr. MCGEE, with amendments

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, ~~That this Act may be cited as the "Federal Salary Comparability Act of 1969".~~

~~SEC. 2. Sections 5301 and 5302 of title 5, United States Code, are amended to read as follows:~~

"§ 5301. Policy

"(a) It is the policy of Congress that rates of pay for employees within the purview of this section be based on the principles that—

"(1) there be equal pay under each pay system for substantially equal work;

"(2) pay distinctions be maintained in keeping with work distinctions; and

"(3) rates of pay be comparable, on a national basis, with private enterprise rates of pay for the same levels of work.

"(b) Rates of pay shall be adjusted annually, in accordance with the policy set forth in subsection (a) of this section and the procedures prescribed by section 5302 of this title, for those employees subject to—

"(1) section 5332 of this title, relating to employees under the General Schedule;

"(2) part III of title 39, relating to employees in the postal field service;

"(3) sections 867 and 870 of title 22, relating to officers, staff officers, and employees in the Foreign Service of the United States; and

"(4) section 4107 of title 38, relating to physicians, dentists, and nurses in the Department of Medicine and Surgery, Veterans' Administration.

"§ 5302. Federal Employee Salary Commission; Federal Employee Salary Board of Arbitration

"(a) There is established, as a permanent agency of the Government, a Federal Employee Salary Commission, referred to as the 'Commission'.

"(b) The Commission shall be composed of 8 members and 3 associate members, as follows:

"(1) the Chairman of the Civil Service Commission or, in his absence, his designee, who shall be Chairman;

"(2) 1 designated by the Director of the Bureau of the Budget;

"(3) 1 designated by the Secretary of Defense;

"(4) 1 designated by the Postmaster General;

"(5) 1 designated by the organization of employees having the largest number of members in the General Schedule;

"(6) 2, one designated by each of the 2 employee organizations having the largest number of members in the postal field service;

"(7) 1 designated by an employee organization, other than an organization designating a member pursuant to paragraph (5) or (6) of this subsection, selected each year by the Chairman of the Civil Service

Commission on a rotating basis after consultation with representatives of such employee organizations as the Chairman determines appropriate; and

"(8) 3 associate members, one each designated by employee organizations, other than organizations designating members pursuant to paragraph (5), (6), or (7) of this subsection, selected each year by the Chairman of the Civil Service Commission on a rotating basis after consultation with representatives of such employee organizations as the Chairman determines appropriate.

A member of the Commission has—

"(A) 1 vote, if designated under paragraph (2), (3), (4), (5), or (7) of this subsection;

"(B) one-half vote, if designated under paragraph (6) of this subsection; or

"(C) 1 vote to be cast only to break a tie vote of the Commission, if serving under paragraph (1) of this subsection.

Each associate member of the Commission is entitled to attend all meetings of, consult with, and be heard by, the Commission, on all matters, but does not have a vote.

"(c) The Commission shall, in accordance with the policy set forth in section 5301(a) of this title, after consultation with representatives of such agencies and employee organizations as it determines appropriate—

"(1) prescribe, and revise from time to time as it deems appropriate, a comparability pay survey—

"(A) which will develop valid comparisons of (i) the rates of pay for employees within the purview of section 5301(b) of this title and (ii) the rates of pay for the same levels of work in private industry; and

"(B) which shall be conducted annually by the Bureau of Labor Statisties in the Department of Labor;

"(2) prepare annually a comparative statement of the rates of pay for such employees and the rates of pay for the same levels of work in private industry as disclosed by the comparability pay survey;

"(3) determine and prescribe, on the basis of information and data disclosed by the annual comparability pay survey, the exact national rates of pay for such employees which are necessary to effect the policy set forth in section 5301(a) of this title;

"(4) review, annually, the comparability of the rates of pay and step increase policies within and between the various pay systems for such employes, taking into consideration such matters as the Commission determines have affected or may affect the comparability, including, but not limited to—

"(A) within-grade rates of pay employees are receiving due to differing length of service requirements for step increases, step increases without regard to length of service, or different number of within-grade steps;

"(B) different rates of pay under the various pay systems for the same level of work;

"(C) pay distinctions not being maintained in keeping with work distinctions, the degree of responsibility placed, the scope and variety of tasks involved, or the extent of decisionmaking authority required; and

"(D) premium pay policies; and

"(5) except as provided in subsection (c) and subsection (g) of this section, prepare and submit annually to the Congress a report setting forth—

"(A) the comparison of rates of pay prepared pursuant to paragraph (2) of this subsection;

"(B) the exact national rates of pay for such employees prescribed by the Commission in accordance with paragraph (3) of this subsection; and

"(C) recommendations for legislation as may be necessary to achieve the comparability policy set forth in section 5301(a) of this title or to achieve comparability within and between pay systems for

employees within the purview of section 5301(b) of this title.

"(d)(1) In the exercise of the authority and the performance of the duties vested in and imposed upon the Commission by this section, the Commission—

"(A) shall seek the views, in such manner as the Commission may provide, of such employee organizations as the Commission considers appropriate; and

"(B) give thorough consideration to those views.

"(2) All decisions of the Commission shall be by a majority vote. The votes shall be recorded. A record shall be maintained of the views, assenting or dissenting, of the members of the Commission. The record of votes and views shall be available for public inspection and copying pursuant to section 552 of this title.

"(e) If a member of the Commission determines, and advises the Commission, that the rates of pay applicable to the appropriate pay system, as the rates are prescribed by the Commission, are not in conformity with the policy set forth in section 5301(a) of this title, the Commission shall submit, not later than February 1 following that determination, the rates of pay to the Board established by subsection (f) of this section for consideration by the Board.

"(f)(1) There is established, as a permanent agency of the Government, a Federal Employee Salary Board of

Arbitration, referred to as the 'Board', which shall be composed of 7 members as follows:

"(A) 2 Members of the United States Senate designated by the President pro tempore of the Senate, each from a different political party;

"(B) 2 Members of the United States House of Representatives designated by the Speaker of the House, each from a different political party;

"(C) 1 designated by the Chairman of the Civil Service Commission;

"(D) 1, who may serve not more than 2 consecutive years, designated by a majority vote of the presidents of the four employee organizations which have designated members currently serving on the Commission under paragraph (5), (6), or (7) of subsection (b) of this section with each president of the employee organization under paragraph (5) or (7) having one vote and each president of the organizations under paragraph (6) having one-half vote; and

"(E) 1 designated by a majority of the members of the Board referred to in paragraphs (A) to (D), inclusive, of this subsection from the membership of the American Arbitration Association, who shall be Chairman of the Board.

"(2) The Board shall consider the rates of pay sub-

mitted to it by the Commission pursuant to subsection (c) of this section and determine whether or not the rates of pay conform with the policy set forth in section 5301(a) of this title. If the Board determines that the rates of pay do not so conform, the Board shall prepare the rates of pay as will conform with that policy. The Board shall transmit to the Commission not later than the 30th day following the date the Board received the rates of pay submitted to it by the Commission, a report setting forth—

"(A) the decision of the Board with respect to the rates of pay submitted by the Commission;

"(B) the reasons for the decision of the Board; and

"(C) such rates of pay as the Board shall have determined to be necessary to conform with the policy set forth in section 5301(a) of this title.

The decision of the Board, and such rates of pay as it may prepare in accordance with this paragraph, shall be final and conclusive.

"(g)(1) Except as provided in paragraph (2) of this subsection, the Commission shall submit to the Congress the first report pursuant to paragraph (5) of subsection (c) of this section, based on the 1969 national survey of professional, administrative, technical, and clerical pay, not later than February 1, 1970, and subsequent reports pursuant

to such paragraph (5) not later than February 1 of each year thereafter.

"(2) In the case of the submission of rates of pay by the Commission to the Board pursuant to subsection (c) of this section, the Commission, immediately upon receipt of the final and conclusive decision of the Board, shall submit to the Congress the decision of the Board and such rates of pay as the Board shall have determined to be necessary to conform with the policy set forth in section 5301(a) of this title.

"(h)(1) The rates of pay submitted to the Congress as provided in subsection (c)(4) or subsection (g) of this section shall become effective at the beginning of the first pay period which begins on or after the adoption by both Houses of Congress (within the 60 day period following the date on which the rates of pay are submitted to the House of Representatives and the Senate), by the yeas and nays of a concurrent resolution stating in effect that the Senate and House of Representatives approve such rates of pay.

"(2) For the purposes of paragraph (1) of this subsection, in the computation of the 60 day period there shall be excluded the days on which either House is not in session because of adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die. The rates of pay submitted to the Congress shall be delivered to both Houses

of the Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House of Representatives is not in session and to the Secretary of the Senate if the Senate is not in session.

"(3)(A) The rates of pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28 shall be increased, effective on the first day of the first pay period which begins on or after the date on which increases become effective pursuant to this section, by amounts equal, as nearly as may be practicable, to the increases provided pursuant to this section for corresponding rates of pay.

"(B) Notwithstanding section 665 of title 31, the rates of pay of employees of an Executive agency and of the government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased pursuant to this section are hereby authorized to be increased, effective on the first day of the first pay period which begins on or after the date on which increases become effective pursuant to this section, by amounts not to exceed the increases provided pursuant to this section for corresponding rates of pay in the appropriate schedule or scale of pay.

"(C) This section does not authorize any increase in the rates of pay of employees whose rates of pay are fixed and

adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(D) This section does not impair any authority pursuant to which rates of pay may be fixed by administrative action.

"(4) Retroactive pay shall be paid by reason of this section only in the case of an individual in the service of the United States (including service in the armed forces) or the government of the District of Columbia on the day immediately following the close of the 60-day period specified in subsection (h)(1) of this section, except that such retroactive pay shall be paid—

"(A) to an employee who retired, during the period beginning on the first day of the first pay period which began on or after January 1, and ending on the day immediately following the close of the 60-day period specified in subsection (h)(1) of this section, for services rendered during that period, and

"(B) in accordance with subchapter VIII of chapter 55 of this title, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after January 1, and ending on the day immediately following the close of the 60-day period specified in subsection

(h)(1) of this section, by an employee who died during that period.

Such retroactive pay shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of this title, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased employee.

"(5) For the purposes of paragraph (4) of this section, service in the armed forces, in the case of an individual relieved from training and service in the armed forces or discharged from hospitalization following such training and service, includes the period provided by law for the mandatory restoration of the individual to a position in or under the Government of the United States or the government of the District of Columbia.

"(i) Each member and each associate member of the Commission and each member of the Board is entitled to travel expenses, including a per diem allowance in accordance with section 5703(b) of this title. Each such member or associate member who is not a Member of Congress or an employee is entitled to pay at a rate equal to the per diem equivalent of the maximum rate of basic pay of the General Schedule for each day he is engaged in the performance of services for the Commission or the Board, as the case may be, except that the member from the American Arbitration

Association may be paid the usual fees prescribed by that Association.

"(j)(1) Without regard to the provisions of this title governing appointments in the competitive service and of chapter 51 of this title and subchapter III of this chapter, relating to classification and General Schedule pay rates—

"(A) the Commission and the Board each may appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of this title; and

"(B) with the approval of the Commission or the Board, as appropriate, the Executive Director may appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule) of such additional personnel as may be necessary to carry out the functions of the Commission or of the Board, as applicable, and may obtain services of experts or consultants in accordance with section 3109 of this title, but at rates for individuals not to exceed that of General Schedule 18.

"(2) Upon the request of the Commission or of the Board, the head of any department, agency, or establishment of any branch of the Government of the United States may detail, on a reimbursable basis, any of the personnel of such department, agency, or establishment to assist the Commis-

sion or the Board, as appropriate, in carrying out its functions.

"(k) The Commission and the Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

"(l) The Administrator of the General Services shall provide administrative support services for the Commission and the Board on a reimbursable basis.

"(m) The rates of pay that take effect under this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

"(1) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of such rates (other than any provision of law enacted in the 60-day period specified in paragraph (1) of subsection (h) of this section with respect to such rates); and

"(2) any prior recommendations or adjustments which took effect under this section or prior provisions of law.

"(n) The rates of pay that take effect under this section shall be printed in—

"(1) the statutes at large in the same volume as public laws;

"(2) the Federal Register; and

"(3) the Code of Federal Regulations.

"(o) Any increase in rates of pay that takes effect under this section is not an equivalent increase in pay within the meaning of section 5335 of this title or section 3552 of title 39.

"(p) Any rate of pay that takes effect under this section shall be initially adjusted, effective on the effective date of such rate of pay, under conversion rules prescribed by the President or by such agency as the President may designate.

"(q)(1) The rates of pay of personnel subject to sections 210 and 214 of the Federal Salary Act of 1967 (81 Stat. 633, 635; Public Law 90-206), relating to Agricultural Stabilization and Conservation County Committee employees and to certain employees of the legislative branch of the Government, respectively, and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section, by amounts which are identical, insofar as practicable, to the amounts of the adjustments under this section for corresponding rates of pay for employees subject to the General Schedule, by the following authorities—

"(A) the Secretary of Agriculture, with respect to

individuals employed by the county committees established under section 590h(b) of title 16;

"(B) the Financial Clerk of the Senate, with respect to the United States Senate;

"(C) the Finance Clerk of the House of Representatives, with respect to the United States House of Representatives; and

"(D) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol.

The provisions of this section shall not be construed to allow adjustments in the rates of pay of the following officers of the United States House of Representatives: Parliamentarian, Chaplain, Clerk, Minority Clerk, Sergeant at Arms, Minority Sergeant at Arms, Doorkeeper, Minority Doorkeeper, Postmaster, Minority Postmaster.

"(2) Notwithstanding section 665 of title 31, the rates of pay of employees in and under the judicial branch of the Government, whose rates of pay are fixed by administrative action pursuant to law and are not otherwise adjusted under this section may be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section, by amounts not to exceed the amounts of the adjustments under this section for corresponding rates of pay. The limitations fixed by

law with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges shall be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section, by amounts not to exceed the amounts of the adjustments under this section for corresponding rates of pay.".

SEC. 3. The table of contents of subchapter I of chapter 53 of title 5, United States Code, is amended by striking out—

"5302. Annual reports on pay comparability."

and inserting in lieu thereof—

"5302. Federal Employee Salary Commission; Federal Employee Salary Board of Arbitration.".

SEC. 4. Section 3552(a) of title 39, United States Code, is amended to read as follows:

"(a)(1) Each employee subject to the Postal Field Service Schedule and each employee subject to the Rural Carrier Schedule who has not reached the highest step for his position shall be advanced successively to the next higher step as follows:

"(A) to steps 2, 3, 4, 5, 6, and 7—at the beginning of the first pay period following the completion of 26 calendar weeks of satisfactory service; and

"(B) to steps 8 and above—at the beginning of the

first pay period following the completion of 52 calendar weeks of satisfactory service.

"(2) The receipt of an equivalent increase during any of the waiting periods specified in this subsection shall cause a new full waiting period to commence for further step increases.

"(3) An employee subject to the Postal Field Service Schedule who returns to a position he formerly occupied at a lower level may, at his request, have his waiting periods adjusted, at the time of his return to the lower level, as if his service had been continuous in the lower level.".

SEC. 5. (a) Each employee in levels 1 through 11 of the Postal Field Service Schedule and each employee subject to the Rural Carrier Schedule—

(1) who is in a step below the 2 top steps of his level shall be advanced 2 steps; or

(2) who is in either of the 2 top steps of his level shall receive basic compensation at a rate equal to his rate of basic compensation in effect immediately prior to the effective date of this subsection plus the amount of 2 step increases of his level.

Changes in levels or steps which would otherwise occur on the effective date of this subsection without regard to the enactment of this subsection shall be deemed to have occurred

prior to adjustments under this subsection. Each such employee who receives an adjustment under this subsection shall commence a new full waiting period, for further step increase purposes under section 3552(a) of title 39, United States Code, on the first day of the first pay period which begins on or after July 1, 1970, and service by such an employee on or after the effective date of this section and prior to the beginning of such pay period in July 1970 shall not be credited for such step increase purposes.

(b) For the purposes of the initial application of section 3552(a) of title 39, United States Code, as amended by section 4 of this Act, credit for satisfactory service performed by an employee in levels 12 or above of the Postal Field Service Schedule since his last step increase prior to the effective date of section 4 of this Act, shall be granted in an amount not in excess of the amount of service required for a one step increase applicable to the step category of the employee.

(c) The Postmaster General shall advance each employee in level 12 or above of the Postal Field Service Schedule—

(1) who was in level 12 or above on the effective date of this section and who did not receive a two-step increase pursuant to this section;

(2) who is senior with respect to total postal service

to an employee in the same post office (A) who received a two-step increase pursuant to this section and (B) who is promoted to the same level on or after the effective date of this section; and

(3) who is in a step in the same level below the step of the junior employee described in clauses (A) and (B) of subparagraph (2) of this subsection.

Such advancement by the Postmaster General shall be to the highest step which is held by any such junior employee. Any increase under the provisions of this subsection is not an equivalent increase within the meaning of section 3552 of title 39, United States Code. Credit earned prior to advancement under this subsection for advancement to the next step shall be retained for step increase purposes under such section 3552.

SEC. 6. Section 5545(c)(2) of title 5, United States Code, is amended to read as follows:

"(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of

premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 per centum nor more than 25 per centum, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS–10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position.".

SEC. 7. (a) Section 5942 of title 5, United States Code, is amended to read as follows:

"§ 5942. **Allowance based on duty at remote worksites**

"Notwithstanding section 5536 of this title, an employee of an Executive department or independent establishment who is assigned to duty, except temporary duty, at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable amount of expense, hardship, and inconvenience on the part of the employee in commuting to and from his residence and such worksite is entitled, in addition to pay otherwise due him, to an allowance of not to exceed $10 a day. The allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and de-

fining and designating those sites, areas, and groups of positions to which the rates apply.".

(b) Notwithstanding section 5536 of title 5, United States Code, and the amendment made by subsection (a) of this section, and until the effective date of regulations prescribed by the President under such amendment—

(1) allowances may be paid to employees under section 5942 of title 5, United States Code, and the regulations prescribed by the President under such section, as in effect immediately prior to the effective date of this section; and

(2) such regulations may be amended or revoked in accordance with such section 5942 as in effect immediately prior to the effective date of this section.

(c) The table of contents of subchapter IV of chapter 59 of title 5, United States Code, is amended by striking out—

"5942. Allowance based on duty on California offshore islands or at Nevada Test Site."

and inserting in lieu thereof—

"5942. Allowance based on duty at remote worksites.".

SEC. 8. (a) Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5947. Quarters, subsistence, and allowances for em-

ployees of the Corps of Engineers, Department of the Army, engaged in floating plant operations

~~"(a) An employee of the Corps of Engineers, Department of the Army, engaged in floating plant operations may be furnished quarters or subsistence, or both, on vessels, without charge, when the furnishing of the quarters or subsistence, or both, is determined to be equitable to the employee concerned, and necessary in the public interest, in connection with such operations.~~

~~"(b) Notwithstanding section 5536 of this title, an employee entitled to the benefits of subsection (a) of this section while on a vessel, may be paid, in place of these benefits, an allowance for quarters or subsistence, or both, when—~~

~~"(1) adverse weather conditions or similar circumstances beyond the control of the employee or the Corps of Engineers prevent transportation of the employee from shore to the vessel; or~~

~~"(2) quarters or subsistence, or both, are not available on the vessel while it is undergoing repairs.~~

~~"(c) The quarters or subsistence, or both, or allowance in place thereof, may be furnished or paid only under~~

regulations prescribed by the Secretary of the Army.".

(b) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by adding—

"5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations."

immediately below—

"5946. Membership fees; expenses of attendance at meetings; limitations.".

(c) The Act entitled "An Act to authorize the furnishing of subsistence and quarters without charge to employees of the Corps of Engineers engaged on floating plant operations", approved May 13, 1955 (69 Stat. 48; Public Law 35, Eighty-fourth Congress) is repealed.

SEC. 9. (a) This section, the first section, and sections 2 and 3 of this Act shall become effective on the date of enactment of this Act.

(b) Sections 5, 6, 7, and 8 of this Act shall become effective on the first day of the first pay period which begins on or after October 1, 1969.

(c) Section 4 of this Act shall become effective on the first day of the first pay period which begins on or after July 1, 1970.

That this Act may be cited as the "Federal Salary Act of 1969".

SEC. 2. (a) The General Schedule contained in section 5332(a) of title 5, United States Code, is amended to read as follows:

"GENERAL SCHEDULE

"Grade	Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
"GS-1	$4,045	$4,180	$4,315	$4,450	$4,585	$4,720	$4,855	$4,990	$5,125	$5,260
GS-2	4,534	4,685	4,836	4,987	5,138	5,289	5,440	5,591	5,742	5,893
GS-3	5,115	5,285	5,455	5,625	5,795	5,965	6,135	6,305	6,475	6,645
GS-4	5,744	5,935	6,126	6,317	6,508	6,699	6,890	7,081	7,272	7,463
GS-5	6,424	6,638	6,852	7,066	7,280	7,494	7,708	7,922	8,136	8,350
GS-6	7,155	7,394	7,633	7,872	8,111	8,350	8,589	8,828	9,067	9,306
GS-7	7,945	8,210	8,475	8,740	9,005	9,270	9,535	9,800	10,065	10,330
GS-8	8,788	9,081	9,374	9,667	9,960	10,253	10,546	10,839	11,132	11,425
GS-9	9,694	10,017	10,340	10,663	10,986	11,309	11,632	11,955	12,278	12,601
GS-10	10,560	10,912	11,264	11,616	11,968	12,320	12,672	13,024	13,376	13,728
GS-11	11,568	11,954	12,340	12,726	13,112	13,498	13,884	14,270	14,656	15,042
GS-12	13,789	14,249	14,709	15,169	15,629	16,089	16,549	17,009	17,469	17,929
GS-13	16,127	16,665	17,203	17,741	18,279	18,817	19,355	19,893	20,431	20,969
GS-14	18,903	19,533	20,163	20,793	21,423	22,053	22,683	23,313	23,943	24,573
GS-15	21,805	22,532	23,259	23,986	24,713	25,440	26,167	26,894	27,621	28,348
GS-16	25,044	25,879	26,714	27,549	28,384	29,219	30,054	30,889	31,724	----
GS-17	28,976	29,942	30,908	31,874	32,840	----	----	----	----	----
GS-18	33,495	----	----	----	----	----	----	----	----	----

".

(b) Except as provided in section 5303 of title 5, United States Code, the rates of basic pay of officers and employees to whom the General Schedule set forth in the amendment made by subsection (a) of this section applies shall be initially adjusted, as of the effective date of this section, as follows:

(1) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at one of the rates of a grade in the General Schedule, he shall receive a rate of basic pay at the corresponding rate in effect on and after such date.

(2) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at a rate between two rates of a grade in the General Schedule, he shall receive a rate of basic pay at the higher of

the two corresponding rates in effect on and after such date.

(3) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at a rate in excess of the maximum rate for his grade, he shall receive his existing rate of basic pay increased by the amount of increase made by this section in the maximum rate for his grade.

(4) If the officer or employee, immediately prior to the effective date of this section, is receiving, pursuant to section 2(b)(4) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of pay determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111), plus subsequent increases authorized by law, he shall receive an aggregate rate of pay equal to the sum of his existing aggregate rate of pay on the day preceding the effective date of this section, plus the amount of increase made by this section in the maximum rate of his grade, until (A) he leaves his position, or (B) he is entitled to receive aggregate pay at a higher rate by reason of the operation of this Act or any other provision of law. When such position becomes vacant, the aggregate rate of pay of any subsequent appointee thereto shall be fixed in accordance with

applicable provisions of law. Subject to clauses (A) and (B) of the immediately preceding sentence of this subparagraph, the amount of the increase provided by this section shall be held and considered for the purposes of section 208(b) of the Act of September 1, 1954, to constitute a part of the existing rate of pay of the employee.

SEC. 3. (a) Section 3542(a) of title 39, United States Code, is amended to read as follows:

"(a) There is established a basic compensation schedule for positions in the postal field service which shall be known as the Postal Field Service Schedule and for which the symbol shall be 'PFS'. Except as provided in sections 3543 and 3544 of this title, basic compensation shall be paid to all employees in accordance with such schedule.

"POSTAL FIELD SERVICE SCHEDULE

"PFS	1	2	3	4	5	6	7	8	9	10	11	12
"1	$4,703	$4,860	$5,017	$5,174	$5,331	$5,488	$5,645	$5,802	$5,959	$6,116	$6,273	$6,430
2	5,084	5,254	5,424	5,594	5,764	5,934	6,104	6,274	6,444	6,614	6,784	6,954
3	5,498	5,681	5,864	6,047	6,230	6,413	6,596	6,779	6,962	7,145	7,328	7,511
4	5,943	6,141	6,339	6,537	6,735	6,933	7,131	7,329	7,527	7,725	7,923	8,121
5	6,424	6,638	6,852	7,066	7,280	7,494	7,708	7,922	8,136	8,350	8,564	8,778
6	6,942	7,174	7,406	7,638	7,870	8,102	8,334	8,566	8,798	9,030	9,262	9,494
7	7,504	7,755	8,006	8,257	8,508	8,759	9,010	9,261	9,512	9,763	10,014	10,265
8	8,117	8,387	8,657	8,927	9,197	9,467	9,737	10,007	10,277	10,547	10,817	----
9	8,773	9,065	9,357	9,649	9,941	10,233	10,525	10,817	11,109	11,401	----	----
10	9,466	9,781	10,096	10,411	10,726	11,041	11,356	11,671	11,986	12,301	----	----
11	10,414	10,761	11,108	11,455	11,802	12,149	12,496	12,843	13,190	13,537	----	----
12	11,568	11,954	12,340	12,726	13,112	13,498	13,884	14,270	14,656	15,042	----	----
13	12,856	13,284	13,712	14,140	14,568	14,996	15,424	15,852	16,280	16,708	----	----
14	14,279	14,755	15,231	15,707	16,183	16,659	17,135	17,611	18,087	18,563	----	----
15	15,714	16,237	16,760	17,283	17,806	18,329	18,852	19,375	19,898	20,421	----	----
16	17,459	18,040	18,621	19,202	19,783	20,364	20,945	21,526	22,107	22,688	----	----
17	19,391	20,038	20,685	21,332	21,979	22,626	23,273	23,920	24,567	25,214	----	----
18	21,333	22,044	22,755	23,466	24,177	24,888	25,599	26,310	27,021	27,732	----	----
19	23,467	24,249	25,031	25,813	26,595	27,377	28,159	28,941	29,723	30,505	----	----
20	26,071	26,940	27,809	28,678	29,547	30,416	31,285	32,154	----	----	----	----
21	28,976	29,942	30,908	31,874	32,840	----	----	----	----	----	----	----

"

(b) Section 3543(a) of title 39, United States Code, is amended to read as follows:

"(a) There is established a basic compensation sched-

ule which shall be known as the Rural Carrier Schedule and for which the symbol shall be 'RCS'. Compensation shall be paid to rural carriers in accordance with such schedule.

"RURAL CARRIER SCHEDULE

	"Per annum rates and steps											
	1	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*
Fixed compensation	*$2,914*	*$3,068*	*$3,222*	*$3,376*	*$3,530*	*$3,684*	*$3,838*	*$3,992*	*$4,146*	*$4,300*	*$4,454*	*$4,608*
For each mile up to 30 miles of route	*107*	*109*	*111*	*113*	*115*	*117*	*119*	*121*	*123*	*125*	*127*	*129*
For each mile of route over 30	*25*	*25*	*25*	*25*	*25*	*25*	*25*	*25*	*25*	*25*	*25*	*25".*

(c) The basic compensation of each officer and employee subject to the Postal Field Service Schedule or the Rural Carrier Schedule immediately prior to the effective date of this section shall be determined as follows:

(1) Each officer and employee subject to the Postal Field Service Schedule shall be assigned to the same numerical step for his position which he had attained immediately prior to such effective date.

(2) Each officer and employee subject to the Rural Carrier Schedule shall be assigned to the same numerical step for his position which he had attained immediately prior to such effective date.

(3) If changes in levels or steps would otherwise occur on such effective date without regard to enactment of this Act, such changes shall be deemed to have occurred prior to conversion.

(4) If the officer or employee is receiving basic compensation immediately prior to such effective date at

a rate between two steps of a grade in either such schedule, whichever is applicable, he shall receive a rate of basic compensation at the higher of the two corresponding steps in effect on and after such date.

(5) If the officer or employee is receiving basic compensation immediately prior to such effective date at a rate in excess of the maximum rate for his grade, he shall receive his existing rate of basic compensation increased by the amount of increase made by this section in the maximum rate for his grade.

SEC. 4. Section 4107 (a) and (b)(1) of title 38, United States Code, relating to grades and pay scales for certain positions within the Department of Medicine and Surgery of the Veterans' Administration, is amended to read as follows:

"§ *4107.* ***Grades and pay scales***

"(a) The per annum full-pay scale or ranges for positions provided in section 4103 of this title, other than Chief Medical Director, Deputy Chief Medical Director, and Associate Deputy Chief Medical Director, shall be as follows:

"Section 4103 Schedule

"Assistant Chief Medical Director, $33,495.

"Medical Director, $28,976 minimum to $32,840 maximum.

"Director of Nursing Service, $21,805 minimum to $28,348 maximum.

"Director of Chaplain Service, $21,805 minimum to $28,348 maximum.

"Chief Pharmacist, $21,805 minimum to $28,348 maximum.

"Chief Dietitian, $21,805 minimum to $28,348 maximum.

"(b)(1) The grades and per annum full-pay ranges for positions provided in paragraph (1) of section 4104 of this title shall be as follows:

"Physician and Dentist Schedule

"Director grade, $25,044 minimum to $31,724 maximum.

"Executive grade, $23,273 minimum to $30,257 maximum.

"Chief grade, $21,805 minimum to $28,348 maximum.

"Senior grade, $18,903 minimum to $24,573 maximum.

"Intermediate grade, $16,127 minimum to $20,969 maximum.

"Full grade, $13,789 minimum to $17,929 maximum.

"Associate grade, $11,568 minimum to $15,042 maximum.

"Nurse Schedule

"Assistant Director grade, $18,903 minimum to $24,573 maximum.

"Chief grade, $16,127 minimum to $20,969 maximum.

"Senior grade, $13,789 minimum to $17,929 maximum.

"Intermediate grade, $11,568 minimum to $15,042 maximum.

"Full grade, $9,694 minimum to $12,601 maximum.

"Associate grade, $8,358 minimum to $10,869 maximum.

"Junior grade, $7,155 minimum to $9,306 maximum."

SEC. 5. (a) The fourth sentence of section 412 of the Foreign Service Act of 1946 (22 U.S.C. 867) is amended to read as follows: "The per annum salaries of Foreign Service officers within each of the other classes shall be as follows:

"Class 1	$31,705	$32,762	$33,495				
Class 2	24,867	25,696	26,525	$27,354	$28,183	$29,012	$29,841
Class 3	20,099	20,769	21,439	22,109	22,779	23,449	24,119
Class 4	16,127	16,665	17,203	17,741	18,279	18,817	19,355
Class 5	13,233	13,674	14,115	14,556	14,997	15,438	15,879
Class 6	10,928	11,292	11,656	12,020	12,384	12,748	13,112
Class 7	9,272	9,581	9,890	10,199	10,508	10,817	11,126
Class 8	7,945	8,210	8,475	8,740	9,005	9,270	9,535".

(b) The second sentence of subsection (a) of section 415 of such Act (22 U.S.C. 870(a)) is amended to read as follows: "The per annum salaries of such staff officers and employees within each class shall be as follows:

"Class 1	$20,099	$20,769	$21,439	$22,109	$22,779	$23,449	$24,119	$24,789	$25,459	$26,129
Class 2	16,127	16,665	17,203	17,741	18,279	18,817	19,355	19,893	20,431	20,969
Class 3	13,233	13,674	14,115	14,556	14,997	15,438	15,879	16,320	16,761	17,202
Class 4	10,928	11,292	11,656	12,020	12,384	12,748	13,112	13,476	13,840	14,204
Class 5	9,897	10,227	10,557	10,887	11,217	11,547	11,887	12,207	12,537	12,867
Class 6	8,876	9,172	9,468	9,764	10,060	10,356	10,652	10,948	11,244	11,540
Class 7	7,962	8,227	8,492	8,757	9,022	9,287	9,552	9,817	10,082	10,347
Class 8	7,140	7,378	7,616	7,854	8,092	8,330	8,568	8,806	9,044	9,282
Class 9	6,405	6,618	6,831	7,044	7,257	7,470	7,683	7,896	8,109	8,322
Class 10	5,744	5,935	6,126	6,317	6,508	6,699	6,890	7,081	7,272	7,463".

(c) Foreign Service officers, Reserve officers, and Foreign Service staff officers and employees who are entitled to

receive basic compensation immediately prior to the effective date of this section at one of the rates provided by section 412 or 415 of such Act shall receive basic compensation, on and after such effective date, at the rate of their class determined to be appropriate by the Secretary of State.

SEC. 6. The rates of pay of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 2(a) of this Act for corresponding rates of basic pay.

SEC. 7. (a) The rates of basic pay of assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28, United States Code, shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 2(a) of this Act for corresponding rates of basic pay.

(b) Notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the rates of pay of officers and employees of the Federal Government and of the municipal government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased by this Act are hereby authorized to be increased, effective on the effective date of section 2 of this Act, by amounts not to

exceed the increases provided by this Act for corresponding rates of pay in the appropriate schedule or scale of pay.

(c) Nothing contained in this section shall be held or considered to authorize any increase in the rates of pay of officers and employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

(d) Nothing contained in this section shall affect the authority contained in any law pursuant to which rates of pay may be fixed by administrative action.

SEC. 8. (a) The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of title 18, United States Code, the third sentence of section 603, section 625(c), sections 671 through 675, and section 604(a)(5) of title 28, United States Code, insofar as the latter section applies to graded positions, are hereby increased by amount reflecting the respective applicable increases provided by section 2(a) of this Act in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code. The rates of basic compensation of officers and employees holding ungraded positions and

whose salaries are fixed pursuant to such section 604(a)(5) may be increased by the amounts reflecting the respective applicable increases provided by section 2(a) of this Act in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code.

(b) The limitations provided by applicable law on the effective date of this section with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges are hereby increased by amounts which reflect the respective applicable increases provided by section 2(a) of this Act in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code.

(c) Section 753(e) of title 28, United States Code (relating to the compensation of court reporters for district courts), is amended by striking out the existing salary limitation contained therein and inserting a new limitation which reflects the respective applicable increases provided by section 2(a) of this Act in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code.

SEC. 9. Section 5302 of title 5, United States Code, is amended—

(1) by striking out the word "and" after the semicolon in paragraph (1);

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraphs:

"(2) appoint 4 representatives of organizations of employees of the Government of the United States, including 2 representatives of organizations of employees in the postal field service of the Post Office Department, to participate directly in all phases of evaluating data relating to pay comparability, and in the preparation and presentation of the report to the President; and

"(3) present each year to the Congress a report on the comparison of Federal pay to private enterprise pay, and shall include in his report his recommendations for changes in the rates of pay or changes in salary structure, alinement, or other characteristics of Federal pay as he deems to be in compliance with the provisions of section 5301 of this title.".

SEC. 10. (a) In order to carry out the policy set forth in paragraph (2) of section 5301 of title 5, United States Code, the President shall, effective on the first day of the first pay period beginning on or after July 1, 1970, adjust the current rates of basic pay, basic compensation, or salary which were adjusted by the President under section 212(2) of the Federal Salary Act of 1967 (81 Stat. 634) by amounts equal, as nearly as may be practicable, to—

(1) the amounts by which such rates are exceeded by rates of pay paid for the same levels of work in private

enterprise as determined on the basis of the 1969 annual survey conducted by the Bureau of Labor Statistics in accordance with the provisions of section 5302 of title 5, United States Code, as amended by section 9 of this Act; or

(2) 3 percent;

whichever is greater.

Adjustments made by the President under this section shall have the force and effect of law.

(b) The rates of pay of personnel subject to sections 210, 213 (except subsections (d) and (e)), and 214 of the Federal Salary Act of 1967, and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period beginning on or after July 1, 1970, by amounts which are equal, insofar as practicable and with such exceptions as may be necessary to provide for appropriate relationships between positions to the amounts of the adjustments made by the President under subsection (a) of this section, by the following authorities—

(1) the President pro tempore of the Senate, with respect to the United States Senate;

(2) the Speaker of the House of Representatives, with respect to the United States House of Representatives;

(3) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol;

(4) the Director of the Administrative Office of the United States Courts, with respect to the judicial branch of the Government; and

(5) the Secretary of Agriculture, with respect to persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

Such adjustments shall be made in such manner as the appropriate authority concerned deems advisable and shall have the force and effect of law.

(c) The adjustments made by the President under this section shall have the force and effect of law and shall be printed (1) in the Statutes at Large in the same volume as public laws and (2) in the Federal Register and included in the Code of Federal Regulations.

(d) An increase in pay which becomes effective under this section is not an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, or section 3552 of title 39, United States Code.

(e) The rates of basic pay for employees paid under the statutory pay systems referred to in subsection (a) shall be initially adjusted, as of the effective date of the adjustment, under conversion rules prescribed by the President or by such agency as the President may designate.

(f) Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(g) Any officer or employee of the Government receiving pay, compensation, or salary which is equal to, or less than, the salary rate for level V of the Executive Schedule in section 5316 of title 5, United States Code, in effect on the date of enactment of this Act, shall not have his pay, compensation, or salary increased, by reason of the enactment of this section, to a rate in excess of the salary rate for such level V.

SEC. 11. (a) This section, the first section, and sections 9 and 10 of this Act shall become effective upon the date of enactment.

(b) Sections 2, 3, 4, 5, 6, 7, and 8 of this Act shall become effective on the first day of the first pay period which begins on or after January 1, 1970.

Amend the title so as to read: An Act to adjust the salaries of Federal employees, and for other purposes.

Passed the House of Representatives October 14, 1969.

Attest: W. PAT JENNINGS,

Clerk.

Calendar No. 577

91ST CONGRESS
1ST SESSION

H. R. 13000

[Report No. 91–582]

AN ACT

To implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.

OCTOBER 16, 1969

Read twice and referred to the Committee on Post Office and Civil Service

DECEMBER 8, 1969

Reported with amendments

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of December 12, 1969
91st-1st No. 207

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HIGHLIGHTS: Both Houses agreed to conference report on housing and urban development bill. Senate passed Federal salary comparability bill. House passed poverty program authorization bill. Sen. Javits introduced and discussed Administration's consumer bill.

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

SENATE

1. HOUSING. Both Houses agreed to the conference report on S. 2864, the housing and urban development bill (pp. S15552-6, H12241-8). As agreed to, the bill extends laws relating to housing and urban development for 1 year; speeds up the implementation of the existing flood insurance program by postponing the date on the actuarial computation requirement; and provides new aid to improve the Farmers Home Administration's rural housing program, by authorizing new funds and wider authority to expand the housing program to meet the needs of families living in rural areas. Transfers funds from the existing rural housing direct loan account to the Rural Housing Insurance Fund. The bill retains the 5,500 population limit on programs under the Farmers Home Administration. This bill will now be sent to the President.

2. WILDERNESS. Passed as reported S. 3014, to designate as wilderness certain wildlife refuge areas in Alaska, New Mexico, Oregon, and Washington. pp. S16550-1

3. ALASKA RELIEF. Passed without amendment, S. 778, to amend the 1964 amendments to the Alaska Omnibus Act, to eliminate the cut-off date for the use of funds already appropriated for urban rehabilitation and development from damages resulting from the 1964 earthquake in Alaska. pp. S16551

4. NUTRITION; COMMITTEES. Agreed to with amendment, S. Res. 279, to continue the Select Committee on Nutrition and Human Needs for 1 month, through Jan. 31, 1970. p. S16552

5. CIGARETTES; HEALTH. Passed , 70-7, as reported, H. R. 6543, the public health cigarette smoking bill. pp. S1660-683

6. FOREIGN AID. Passed with amendments H. R. 14580, the foreign aid bill (pp. S16612-660). Senate conferees were appointed (p. S16660). House conferees were appointed (pp. H12346-7).

7. SALARIES. Passed as reported H. R. 13000, the proposed Federal Salary Comparability Act of 1969. p. S16683-8

8. CONSUMER. Received from the Special Assistant to the President for Consumer Affairs proposed legislation to establish an Office of Consumer Affairs in the Executive Office of the President; assigned to the committees on Government Operations, Judiciary, and Commerce, by unanimous consent. p. S16569

9. WATER POLLUTION. Sen. Young spoke in favor of S. 3181 which would tax those industrial firms which use public streams to carry away production waste. p. S16567

10. APPROPRIATIONS. Received from the President communications transmitting supplemental appropriations for 1970 for Treasury Department (H. Doc. 91-46); U. S.-Mexico Commission for Border Development (H. Doc. 91-47); and to pay claims and judgements rendered against the U. S. (H. Doc. 91-48); to Appropriations Committee. p. S16569

Senator, as a citizen of this country, and as a father of small children, I think that the Senate and the country owe a great debt to the distinguished Senator from Utah, and that generations of young people for many years to come will be well served by the excellent efforts which he has put forth, here in the Senate, in trying to do something to curb cigarette smoking, which is indeed, as the Senate has acknowledged by its votes today, harmful to health.

I hope, Mr. President, that his efforts will be successful in the conference, because I think the work he has done is most admirable.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive business to consider two nominations now at the desk, which were reported earlier today, and have been cleared.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF STATE

The assistant legislative clerk read the nomination of Michael Collins, of Texas, to be an Assistant Secretary of State.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

AMBASSADOR TO THE MALAGASY REPUBLIC

The assistant legislative clerk read the nomination of Anthony D. Marshall, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Malagasy Republic.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL SALARY ACT OF 1969

Mr. MANSFIELD. Mr. President, if I may have the attention of all Senators, I am about to bring up what will perhaps be the last legislative act of the Senate, apart from appropriation bills, at this time.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 577, H.R. 13000, and that it be laid down and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 13000 to implement the Federal Employee Pay Comparability System, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Post Office and Civil Service with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Federal Salary Act of 1969".

SEC. 2. (a) The General Schedule contained in section 5332(a) of title 5, United States Code, is amended to read as follows:

"GENERAL SCHEDULE

"Grade	Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
"GS-1	$4,045	$4,180	$4,315	$4,450	$4,585	$4,720	$4,855	$4,990	$5,125	$5,260
GS-2	4,534	4,685	4,836	4,987	5,138	5,289	5,440	5,591	5,742	5,893
GS-3	5,115	5,285	5,455	5,625	5,795	5,965	6,135	6,305	6,475	6,645
GS-4	5,744	5,935	6,126	6,317	6,508	6,699	6,890	7,081	7,272	7,463
GS-5	6,424	6,638	6,852	7,066	7,280	7,494	7,708	7,922	8,136	8,350
GS-6	7,155	7,394	7,633	7,872	8,111	8,350	8,589	8,828	9,067	9,306
GS-7	7,945	8,201	8,475	8,740	9,005	9,270	9,535	9,800	10,065	10,330
GS-8	8,788	9,081	9,374	9,667	9,960	10 253	10,546	10,839	11,132	11,425
GS-9	9,694	10,017	10,340	10,663	10,986	11,309	11,632	11,955	12,278	12,601
GS-10	10,560	10,912	11,264	11,616	11,968	12,320	12,672	13,024	13,376	13,728
GS-11	11,568	11,954	12,340	12,726	13,112	13,498	13,884	14,270	14,656	15,042
GS-12	13,789	14,249	14,709	15,169	15,629	16,089	16,549	17,009	17,469	17,929
GS-13	16,127	16,665	17,203	17,741	18,279	18,817	19,355	19,893	20,431	20,969
GS-14	18,903	19,533	20,163	20,793	21,423	22,053	22,683	23,313	23,943	24,573
GS-15	21,805	22,532	23,259	23,986	24,713	25,440	26,167	26,894	27,621	28,348
GS-16	25,044	25,879	26,714	27,549	28,384	29,219	30,054	30,889	31,724	-------
GS-17	28,976	29,942	30,908	31,874	32,840	-------	-------	-------	-------	-------
GS-18	33,495	-------	-------	-------	-------	-------	-------	-------	-------	-------

".

(b) Except as provided in section 5303 of title 5, United States Code, the rates of basic pay of officers and employees to whom the General Schedule set forth in the amendment made by subsection (a) of this section applies shall be initially adjusted, as of the effective date of this section, as follows:

(1) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at one of the rates of a grade in the General Schedule, he shall receive a rate of basic pay at the corresponding rate in effect on and after such date.

(2) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at a rate between two rates of a grade in the General Schedule, he shall receive a rate of basic pay at the higher of the two corresponding rates in effect on and after such date.

(3) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at a rate in excess of the maximum rate for his grade, he shall receive his existing rate of basic pay increased by the amount of increase made by his section in the maximum rate for his grade.

(4) If the officer or employee, immediately prior to the effective date of this section, is receiving, pursuant to section 2(b)(4) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of pay determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111), plus subsequent increases authorized by law, he shall receive an aggregate rate of pay equal to the sum of his existing aggregate rate of pay on the day preceding the effective date of this section, plus the amount of increase made by this section in the maximum rate of his grade, until (A) he leaves his position, or (B) he is entitled to receive aggregate pay at a higher rate by reason of the operation of this Act or any other provision of law. When such position becomes vacant, the aggregate rate of pay of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to clauses (A) and (B) of the immediately preceding sentence of this subparagraph, the amount of the increase provided by this section shall be held and considered for the purposes of section 208(b) of the Act of September 1, 1954, to constitute a part of the existing rate of pay of the employee.

SEC. 3. (a) Section 3542(a) of title 39, United States Code, is amended to read as follows:

"(a) There is established a basic compensation schedule for positions in the postal field service which shall be known as the Postal Field Service Schedule and for which the symbol shall be 'PFS'. Except as provided in sections 3543 and 3544 of this title, basic compensation shall be paid to all employees in accordance with such schedule.

"POSTAL FIELD SERVICE SCHEDULE

"PFS	1	2	3	4	5	6	7	8	9	10	11	12
"1	$4,703	$4,860	$5,017	$5,174	$5,331	$5,488	$5,645	$5,802	$5,959	$6,116	$6,273	$6,430
2	5,084	5,254	5,424	5,594	5,764	5,934	6,104	6,274	6,444	6,614	6,784	6,954
3	5,498	5,681	5,864	6,047	6,230	6,413	6,596	6,779	6,962	7,145	7,328	7,511
4	5,943	6,141	6,339	6,537	6,735	6,933	7,131	7,329	7,527	7,725	7,923	8,121
5	6,424	6,638	6,852	7,066	7,280	7,494	7,708	7,922	8,136	8,350	8,564	8,778
6	6,942	7,174	7,406	7,638	7,870	8,102	8,334	8,566	8,798	9,030	9,262	9,494
7	7,504	7,755	8,006	8,257	8,508	8,759	9,010	9,261	9,512	9,763	10,014	10,265
8	8,117	8,387	8,657	8,927	9,197	9,467	9,737	10,007	10,277	10,547	10,817	-------
9	8,773	9,065	9,357	9,649	9,941	10,233	10,525	10,817	11,109	11,401	-------	-------
10	9,466	9,781	10,096	10,411	10,726	11,041	11,356	11,671	11,986	12,301	-------	-------
11	10,414	10,761	11,108	11,455	11,802	12,149	12,496	12,843	13,190	13,537	-------	-------
12	11,568	11,954	12,340	12,726	13,112	13,498	13,884	14,270	14,656	15,042	-------	-------
13	12,856	13,284	13,712	14,140	14,568	14,996	15,424	15,852	16,280	16,708	-------	-------
14	14,279	14,755	15,231	15,707	16,183	16,659	17,135	17,611	18,087	18,563	-------	-------
15	15,714	16,237	16,760	17,283	17,806	18,329	18,852	19,375	19,898	20,421	-------	-------
16	17,459	18,040	18,621	19,202	19,783	20,364	20,945	21,526	22,107	22,688	-------	-------
17	19,391	20,038	20,685	21,332	21,979	22,626	23,273	23,920	24,567	25,214	-------	-------
18	21,333	22,044	22,755	23,466	24,177	24,888	25,599	26,310	27,021	27,732	-------	-------
19	23,467	24,249	25,031	25,813	26,595	27,377	28,159	28,941	29,723	30,505	-------	-------
20	26,071	26,940	27,809	28,678	29,547	30,416	31,285	32,154	-------	-------	-------	-------
21	28,976	29,942	30,908	31,874	32,840	-------	-------	-------	-------	-------	-------	-------

".

(b) Section 3543(a) of title 39, United States Code, is amended to read as follows:

"(a) There is established a basic compensation schedule which shall be known as the Rural Carrier Schedule and for which the symbol shall be 'RCS'. Compensation shall be paid to rural carriers in accordance with such schedule.

"RURAL CARRIER SCHEDULE

	"Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
"Fixed compensation	$2,914	$3,068	$3,222	$3,376	$3,350	$3,684	$3,838	$3,992	$4,146	$4,300	$4,454	$4,608
For each mile up to 30 miles of route	107	109	111	113	115	117	119	121	123	125	127	129
For each mile of route over 30	25	25	25	25	25	25	25	25	25	25	25	25"

(c) The basic compensation of each officer and employee subject to the Postal Field Service Schedule or the Rural Carrier Schedule immediately prior to the effective date of this section shall be determined as follows:

(1) Each officer and employee subject to the Postal Field Service Schedule shall be assigned to the same numerical step for his position which he has attained immediately prior to such effective date.

(2) Each officer and employee subject to the Rural Carrier Schedule shall be assigned to the same numerical step for his position which he had attained immediately prior to such effective date.

(3) If changes in levels or steps would otherwise occur on such effective date without regard to enactment of this Act, such changes shall be deemed to have occurred prior to conversion.

(4) If the officer or employee is receiving basic compensation immediately prior to such effective date at a rate between two steps of a grade in either such schedule, whichever is applicable, he shall receive a rate of basic compensation at the higher of the two corresponding steps in effect on and after such date.

(5) If the officer or employee is receiving basic compensation immediately prior to such effective date at a rate in excess of the maximum rate for his grade, he shall receive his existing rate of basic compensation increased by the amount of increase made by this section in the maximum rate for his grade.

SEC. 4. Section 4107 (a) and (b)(1) of title 38, United States Code, relating to grades and pay scales for certain positions within the Department of Medicine, and Surgery of the Veterans' Administration, is amended to read as follows:

"§ 4107. Grades and pay scale

"(a) The per annum full-pay scale or ranges for positions provided in section 4103 of this title, other than Chief Medical Director, Deputy Chief Medical Director, and Associate Deputy Chief Medical Director, shall be as follows:

"SECTION 4103 SCHEDULE

"Assistant Chief Medical Director, $33,495.

"Medical Director, $28,976 minimum to $32,840 maximum.

"Director of Nursing Service, $21,805 minimum to $28,348 maximum.

"Director of Chaplain Service, $21,805 minimum to $28,348 maximum.

"Chief Pharmacist, $21,805 minimum to $28,348 maximum.

"Chief Dietitian, $21,805 minimum to $28,348 maximum.

"(b)(1) The grades and per annum full-pay ranges for positions provided in paragraph (1) of section 4104 of this title shall be as follows:

"Physician and Dentist Schedule

"Director grade, $25,044 minimum to $31,724 maximum.

"Executive grade, $23,273 minimum to $30,257 maximum.

"Chief grade, $21,805 minimum to $28,348 maximum.

"Senior grade, $18,903 minimum to $24,573 maximum.

"Intermediate grade, $16,127 minimum to $20,969 maximum.

"Full grade, $13,789 minimum to $17,929 maximum.

"Associate grade, $11,568 minimum to $15,042 maximum.

"Nurse Schedule

"Assistant Director grade, $18,903 minimum to $24,573 maximum.

"Chief grade, $16,127 minimum to $20,969 maximum.

"Senior grade, $13,789 minimum to $17,929 maximum.

"Intermediate grade, $11,568 minimum to $15,042 maximum.

"Full grade, $9,694 minimum to $12,601 maximum.

"Associate grade, $8,358 minimum to $10,869 maximum.

"Junior grade, $7,155 minimum to $9,306 maximum."

SEC. 5. (a) The fourth sentence of section 412 of the Foreign Service Act of 1946 (22 U.S.C. 867) is amended to read as follows: "The per annum salaries of Foreign Service officers within each of the other classes shall be as follows:

"Class 1	$31,705	$32,762	$33,495				
Class 2	24,867	25,696	26,525	$27,354	$28,183	$29,012	$29,841
Class 3	20,099	20,769	21,439	22,109	22,779	23,449	24,119
Class 4	16,127	16,665	17,203	17,741	18,279	18,817	19,355
Class 5	13,233	13,674	14,115	14,556	14,997	14,438	15,879
Class 6	10,928	11,292	11,656	12,020	12,384	12,748	13,112
Class 7	9,272	9,581	9,890	10,199	10,508	10,817	11,126
Class 8	7,945	8,210	8,475	8,740	9,005	9,270	9,535".

(b) The second sentence of subsection (a) of section 415 of such Act (22 U.S.C. 870(a)) is amended to read as follows: "The per annum salaries of such staff officers and employees within each class shall be as follows:

"Class 1	$20,099	$20,769	$21,439	$22,109	$22,779	$23,449	$24,119	$24,789	$25,459	$26,129
Class 2	16,127	16,665	17,203	17,741	18,279	18,817	19,355	19,893	20,431	20,969
Class 3	13,233	13,674	14,115	14,556	14,997	15,438	15,879	16,320	16,761	17,202
Class 4	10,928	11,292	11,656	12,020	12,384	12,748	13,112	13,476	13,840	14,204
Class 5	9,897	10,227	10,557	10,887	11,217	11,547	11,887	12,207	12,537	12,867
Class 6	8,876	9,172	9,468	9,764	10,060	10,356	10,652	10,948	11,244	11,540
Class 7	7,962	8,227	8,492	8,757	9,022	9,287	9,552	9,817	10,082	10,347
Class 8	7,140	7,378	7,616	7,854	8,092	8,330	8,568	8,806	9,044	9,282
Class 9	6,405	6,618	6,831	7,044	7,257	7,470	7,683	7,896	8,109	8,322
Class 10	5,744	5,935	6,126	6,317	6,508	6,699	6,890	7,081	7,272	7,463".

(c) Foreign Service officers, Reserve officers, and Foreign Service staff officers and employees who are entitled to receive basic compensation immediately prior to the effective date of this section at one of the rates provided by section 412 or 415 of such Act shall receive basic compensation, on and after such effective date, at the rate of their class determined to be appropriate by the Secetary of State.

SEC. 6. The rates of pay of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as yearly as may be practicable, to the increases provided by section 2(a) of this Act for corresponding rates of basic pay

SEC. 7. (a) The rates of basic pay of assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28, United States Code, shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 2(a) of this Act for corresponding rates of basic pay.

(b) Notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the rates of pay of officers and employees of the Federal Government and of the municipal government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased by this Act are hereby authorized to be increased, effective on the effective date of section 2 of this Act, by amounts not to exceed the increases provided by this Act for corresponding rates of pay in the appropriate schedule or scale of pay.

(c) Nothing contained in this section shall be held or considered to authorize any increase in the rates of pay of officers and employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

(d) Nothing contained in this section shall affect the authority contained in any law pursuant to which rates of pay may be fixed by administrative action.

SEC. 8. (a) The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of title 18, United States Code, the third sentence of section 603, section 625(c), sections 671 through 675, and section 604(a)(5) of title 28, United States Code, insofar as the latter section applies to graded positions, are hereby increased by amount reflecting the respective applicable increases provided by section 2(a) of this Act in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code. The rates of basic compensation of officers and employees holding ungraded positions and whose salaries are fixed pursuant to such section 604(a)(5) may be increased by the amounts reflecting the respective applicable increases provided by section 2(a) of this Act in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code.

(b) The limitations provided by applicable law on the effective date of this section with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges are hereby increased by amounts which reflect the respective applicable increases provided by section 2(a) of this Act in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code.

(c) Section 753(e) of title 28, United States Code (relating to the compensation of court reporters for district courts), is amended by striking out the existing salary

limitation contained therein and inserting a new limitation which reflects the respective applicable increases provided by section 2 (a) of this Act in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, Unied States Code.

SEC. 9. Section 5302 of title 5, United States Code, is amended—

(1) by striking out the word "and" after the semicolon in paragraph (1);

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraphs:

"(2) appoint 4 representatives of organizations of employees of the Government of the United States, including 2 representatives of organizations of employees in the postal field service of the Post Office Department, to participate directly in all phases of evaluating data relating to pay comparability, and in the preparation and presentation of the report to the President; and

"(3) present each year to the Congress a report on the comparison of Federal pay to private enterprise pay, and shall include in his report his recommendations for changes in the rates of pay or changes in salary structure, alinement, or other characteristics of Federal pay as he deems to be in compliance with the provisions of section 5301 of this title.".

SEC. 10 (a) In order to carry out the policy set forth in paragraph (2) of section 5301 of title 5, United States Code, the President shall, effective on the first day of the first pay period beginning on or after July 1, 1970, adjust the current rates of basic pay, basic compensation, or salary which were adjusted by the President under section 212(2) of the Federal Salary Act of 1967 (81 Stat. 634) by amounts equal, as nearly as may be practicable, to—

(1) the amounts by which such rates are exceeded by rates of pay paid for the same levels of work in private enterprise as determined on the basis of the 1969 annual survey conducted by the Bureau of Labor Statistics in accordance with the provisions of section 5302 of title 5, United States Code, as amended by section 9 of this Act; or

(2) 3 percent;

whichever is greater.

Adjustments made by the President under this section shall have the force and effect of law.

(b) The rates of pay of personnel subject to sections 210, 213 (except subsections (d) and (e), and 214 of the Federal Salary Act of 1967, and any minimum or maximum rate, limitation; or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period beginning on or after July 1, 1970, by amounts which are equal, insofar as practicable and with such exceptions as may be necessary to provide for appropriate relationships between positions to the amounts of the adjustments made by the President under subsection (a) of this section, by the following authorities—

(1) the President pro tempore of the Senate, with respect to the United States Senate;

(2) the Speaker of the House of Representatives, with respect to the United States House of Representatives;

(3) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol;

(4) the Director of the Administrative Office of the United States Courts, with respect to the judicial branch of the Government; and

(5) the Secretary of Agriculture, with respect to persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

Such adjustments shall be made in such manner as the appropriate authority concerned deems advisable and shall have the force and effect of law.

(c) The adjustments made by the President under this section shall have the force and effect of law and shall be printed (1) in the Statutes at Large in the same volume as public laws and (2) in the Federal Register and included in the Code of Federal Regulations.

(d) An increase in pay which becomes effective under this section is not an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, or section 3552 of title 39, United States Code.

(e) The rates of basic pay for employees paid under the statutory pay systems referred to in subsection (a) shall be initially adjusted, as of the effective date of the adjustment, under conversion rules prescribed by the President or by such agency as the President may designate.

(f) Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(g) Any officer or employee of the Government receiving pay, compensation, or salary which is equal to, or less than, the salary rate for level V of the Executive Schedule in section 5316 of title 5, United States Code, in effect on the date of enactment of this Act, shall not have his pay, compensation, or salary increased, by reason of the enactment of this section, to a rate in excess of the salary rate for such level V.

SEC. 11. (a) This section, the first section, and sections 9 and 10 of this Act shall become effective upon the date of enactment.

(b) Sections 2, 3, 4, 5, 6, 7, and 8 of this Act shall become effective on the first day of the first pay period which begins on or after January 1, 1970.

Mr. MANSFIELD. Mr. President, this bill has been cleared all the way around, so far as I know.

Mr. ELLENDER. Mr. President, may we find who the employees are who are covered by this bill?

Mr. McGEE. Mr. President, the bill represents a kind of hard rock, common denominator, or compromise, which we have worked out with the administration, with the House, and with our colleagues in this body on both sides of the aisle.

It would apply to most employees, both classified and postal employees. The legislation that came from the House applied primarily as a pay increase to postal employees. The committee has sometimes been caught where the postal employees get an increase, and then the classified employees demand the same, or the classified employees get an increase, and then the postal employees demand the same.

Our committee felt it was better under the comparability law to get them on an even keel and treat them generally the same.

The bill, as it came from the House, would have paid the postal employees an increase of 5.4 percent retroactive to October 1. The committee bill would give all employees, both the classified and postal, at the level of GS–9 or PFS–10, a 4-percent adjustment, effective January 1. This will be graduated to a lower percentage at each $5,000 interval; that is, from $10,000 to $15,000, 3 percent; from $15,000 to $20,000, 2 percent; and grade 15 would receive 1 percent. The supergrades would receive none.

The effort to arrive at this figure was influenced heavily by the President's interest in holding down a very large jump at this time that might contribute adversely to some of the inflationary forces in this country.

I repeat: this was negotiated with great care, all around, and at both ends of Pennsylvania Avenue.

The measure further includes what was already a part of the comparability mechanism, and that is the comparability adjustment for Federal workers in the drive to bring the Federal scale into a relatively comparable position with the private sector. That adjustment, under the proposal, would occur on July 1, 1970.

What that means is this: The Bureau of Labor Statistics has just given us a reading, this week, reminding us that the adjustment in the private sector between 1968 and 1969 has been an increase of 5.8 percent.

In view of the fact that we are already 18 months behind that figure, it seemed to the committee rather more going from here? That is the reason for the 4-percent figure, as a holding action, on January 1, and the adjustment on July 1 would be comparability.

Stricken from the bill was a complex mechanism for arriving at new salary ting an agreement on it. So again, I would, say this is a "bare-bones" bill.

The bill is calculated to cost $300 million-plus in fiscal 1970, this current fiscal year. The July 1 adjustment would fall into the following fiscal year.

Mr. President, H.R. 13000 is a bill to increase the salaries of Federal employees. Undoubtedly the Senate is very well aware of the controversy and complexity of the salary legislation during this session of Congress. The Post Office and Civil Service Committee in both the House and Senate have been holding hearings on pay legislation and postal modernization since Congress convened last January. After lengthy consideration, the House passed H.R. 13000 in mid-October. Since that time our committee has been deeply involved in an attempt to develop a pay bill which would resolve the pressing need of salary increases for Federal employees and also go as far as possible toward satisfying the requirements of the present administration, as well as the Congress, to hold the line on spending. The committee recommends a complete substitute for the House bill.

As passed by the House, this bill would do the following things: First of all, it provided a two-step promotion for all employees in the postal field service up through grade 11. That covers roughly 98 percent of the total postal work force. The increase amounted to 5.4 percent and would have cost about $300 million in the fiscal year 1970. Second, it established a permanent Federal Employee Salary Commission including seven members, four officers of the executive branch of the Government, and three representatives of employee unions. This Commission would decide what Federal pay would be on the basis of comparability with private enterprise. If they could not reach an agreement, a board of arbitration would make the final decision. Their first action would be taken early next year and would be made effective on

January 1, 1970. An amendment to the bill which was adopted on the floor of the House of Representatives required that the final decision be submitted to the Congress for affirmative action. And finally, the bill made changes in regard to pay benefits for certain employees who work at remote work sites or who are employed in floating plant operations.

A permanent provision for a salary commission is certainly deserving of very careful consideration. To eliminate annual enactment of pay legislation in my opinion, is a desirable goal. However, to create a commission which can recommend salary rates and thus increase the Federal payroll substantially without providing any authority for the President of the United States or the Congress to exercise control is, to say the least, an unusual approach. Certainly Federal employees must play a larger role in the determination of pay than they have heretofore. I say this because I am confident that the Post Office and Civil Service Committee will give further consideration to some proposal along this line. In place of the House bill, we recommend an across-the-board increase for the classified and postal employees of the Federal Government of 4 percent for most employees and then graduated downward in the higher paying grades to 1 percent at the GS–15 level, and no increase at all above that level. My nickname for this principle is "bare bones." I am convinced, and I believe that my colleagues on the Post Office and Civil Service Committee, including the distinguished, hard-working, and most cooperative ranking Republican member, Senator FONG, agree with me that Federal salaries, particularly in the lower levels, are in bad need of adjustment upward.

The salaries we are paying our employees today are based on comparability with private enterprise as of July 1968. Since that time the Consumer Price Index has risen by 7.4 percent, and salaries in the private sector of the economy have risen 5.8 percent. We cannot be fair to our employees and delay pay legislation any longer. At the same time, the committee has done everything it can to conform to the needs for fiscal restraint at this time. I might add that the Senate committee has shown prudence in the enactment of every pay bill that we have passed since the enactment of the salary reform bill back in 1962. Our record for treating employees fairly is matched by our record of holding the line on spending. We shall continue to do so.

The committee also recommends that rather than coming back in January and starting to work on another pay bill, the law be changed to authorize the President to adjust salaries next July on the basis of comparability as then known with private enterprise. In evaluating the data study for setting salary rates, we recommend that employees be given the right of representation in these deliberations. This would be accomplished by authorizing the President to designate employee union representatives to sit in on and directly participate in the preparation of the comparability report. They would not be appointed as employees; they would merely serve temporarily as advisers. We do recommend a 3-percent minimum for the July 1970 adjustment.

That is all our bill does and that is why we call it "bare bones." I am personally inclined to think that this legislation is as "veto proof" as we could possibly make any bill that deals fairly with our 3 million civilian employees in this Government. Let me cite just a couple of examples. I know that many employees are disappointed that we cannot do more at this time, but our aim has been, from the very beginning, to get a pay raise enacted, not to make a grandstand play on fourth down just to make noise while adding nothing to the paycheck. Instead of granting the two-step increase for some postal employees which would have increased the payroll by $300 million, we have given an across-the-board increase in the statutory rates applicable to all of the employees in the first nine grades of the general schedule of the Classification Act, and the first 10 grades of the postal salary schedule. The effect of that change is that, in the first place, it does not discriminate unfairly against classified employees who were left completely out of the House bill, and it does not artificially inflate the payroll at a high cost and with no regard for future pay adjustments. Our recommendation truly conforms to the principles of comparability by increasing pay schedules for the various kinds of jobs, rather than simply increasing the pay of employees on the payroll at the time the two-step increase is granted. This two-step jump for postal employees has been a critical point in our consideration of this legislation.

In fairness to postal employees, I must say that I personally believe salary comparability for postal employees has not been achieved and it will not be achieved until the criteria for private enterprise job comparisons are changed from the comparisons that are used today. It may be that we need a whole new look at postal pay and levels of jobs. It may be that postal letter carriers and clerks should be elevated to higher levels of pay or that the relationship between the postal field service levels and the grades of the classification act be eliminated entirely.

The committee, in its deliberation on careful attention to this problem. However, you do not solve the problem of proper classification and comparability by giving a two-step jump to employees on the payroll last October 1. That approach is not new; a one-step jump was included in the 1962 Salary Act. A notable result of that was a special pay raise for some employees, dissension and bitterness between employees who got the raise and those who did not, and a permanent increase in the cost of Government by several hundred million dollars without any regard to salary comparability.

If we are going to increase postal salaries in order to fulfill the policy of comparability, and to recruit and retain the best people available in the labor market, I think we should face the problem squarely and consider a bill that does just that. I do not think it is wise to attempt to placate the wishes of one or two groups of employees for a one-shot, under-the-table, unaccounted-for pay raise. There are better and more straightforward means of solving the problem.

Another feature of our approach is that by enacting a 4-percent pay increase in the statutory schedules, next January, we will have narrowed the gap between Federal pay today and private enterprise pay last July. That "narrowing" will again be recognized next July, when the Presidential adjustments in pay reflect comparability increases over the rates of pay established January 1 rather than the rates of pay established last July 1, 1969.

The effect of this adjustment in January will be that the very serious and severely criticized problem of the time lag between the comparability survey and the effective date of salary adjustments will in part be solved. We now know, in December 1969, that employees in private industry were making nearly 6 percent more last July than they were July a year ago. By taking that difference into account in changing the pay schedule, we are in effect cutting the time lag very substantially for all employees in all agencies of the Government. Much testimony has been presented to our committee suggesting the great need for catching up with comparability. It is significant, therefore, that we have in this bill eliminated some of that delay; and not for just some employees, but for most.

Some administration critics have expressed reservations about guaranteeing 3 percent next July. Their argument is that if comparability shows only a need for a 2-percent increase, only 2 percent should be given. The weakness in that argument is that the comparability survey, which will result in the President's decision next July, is based on June 1969. By establishing a basic 3-percent raise, we will again narrow the gap between Federal pay and private industry pay as those rates exist next July. To those who claim that next July's adjustment for postal workers should be only the difference between 4 percent and the suggested 5.8 percent comparability figure for July 1969, recently released by the Bureau of Labor Statistics, I suggest that it is unrealistic and unfair to propose a 1.8 percent salary increase for some 700,000 postal workers next summer.

Finally, the facts are that the Government's efforts, both in this Chamber and in the White House, to control inflation, to reduce the cost of money and to bring prices down have the greatest impact upon the average American who earns less than $10,000 a year and who suffers the most in a period of inflation. I just never have understood the economic sense of controlling inflation by denying the postal and classified workers a pay increase and making money virtually unavailable for them to borrow. Wages in private enterprise have gone up nearly 6 percent, as evidenced by our Bureau of Labor Statistics' evidence. Those cold Consumer Price Index has gone up 7½ percent, according to the same Bureau of Labor Statistics' evidence. Those cold realities compel the Congress to act for the people who need a pay raise the most.

Our recommendation departs temporarily from the principle of compara-

bility in that the percentage increase is inverted. In the grades of pay where disparity between the Government and private enterprise is the greatest is where, in this bill, we give the least. Our answer to those deserving employees who are called upon to sacrifice comparability in the higher grades is that just 6 months later, the pay adjustment will reflect private enterprise rates for all grades through GS–15. To those employees in grades above GS–15 who receive no January increase, our view is simple. These salary rates begin at $23,000 a year and the crunch of inflation is not so severe. Employees of the Congress are also overlooked, but our employees received a 10-percent pay increase last July and most employees on Capitol Hill can receive pay increases without the necessity for having a law enacting it, and that is not true of a postal worker or a lawyer in the executive branch.

The estimated cost resulting from the enactment of H.R. 13000 will be $363.5 million in fiscal year 1970—that is, from January through June. Beginning in fiscal year 1971, including the increases to become effective by Executive order July 1, 1970, the additional cost will be $1,433,-500,000. Under the provisions of Public Law 90–207, there will be a comparable increase in the salaries of members of the Armed Forces equal to the average percentage increase in the general schedule of the Classification Act. It is my understanding that the additional cost for military salaries beginning in fiscal year 1971, will be $1,367,000. Thus the total cost of the bill when fully effective, military and civilian, will be $2,800,500,000—roughly $2.8 billion.

The cost of the committee bill is substantially less than the cost of the bill recommended by the House of Representatives. The House bill, when fully effective, would have resulted in an increase of $4 billion, $351 million in the Federal civilian and military payroll; so the Senate committee bill is almost half the cost of the House bill.

Time is of the essence. I ask the Senate's approval of this bill in the hope that is can be speeded through Congress and presented to the President as soon as possible.

I may ask my colleague the Senator from Hawaii (Mr. FONG) whether I have left something out of the basic reasons for the bill.

Mr. FONG. Mr. President, this is a very minimal bill. The bill which came from the House, and which passed that body by a very large vote, would have cost approximately $6 billion—$5.910 billion—for fiscal 1970 and 1971. This very minimal bill would cost only $3.5 billion. We have made a saving of over $2.4 billion here.

The cost for fiscal 1970, as far as civilian employees are concerned, is only $363 million. The cost for the military is $336 million. The total cost of the civilian payroll for 2 years would be $1.797 billion. The total cost of the military payroll would be $1.703 billion.

We have fought hard to keep this bill to a very low figure so that it would not meet with the veto of the President. We feel this bill is very minimal. It is making up for what is a real lag now.

If we followed the Bureau of Labor Statistics figures, employees would receive, under the comparability statute, as of July 1, 1969, a 5.8 increase, this December; and we are only giving employees under $10,000 4 percent, graduated to 3 percent, 2 percent, and 1 percent.

So we feel this is a very fine bill.

I would like to congratulate the chairman of the committee for bringing up this very excellent bill.

Mr. McGEE. Mr. President, I have just been asked whether this bill applies to legislative personnel here on the hill. It does not on the January 1 figure. It does not apply to legislative personnel.

Mr. COOPER. Is this a $5 billion bill you are bringing up tonight?

Mr. McGEE. The projection was over a 2-year period. As of January 1, it will be $363 million.

Mr. COOPER. When does it become effective?

Mr. McGEE. It becomes effective January 1, with respect to the $363 million. The adjustment on July 1 would be somewhere in the neighborhood of 3 percent as a minimum.

Mr. COOPER. What will be the total cost next year?

Mr. McGEE. The $363 million would be a regular part of the salary.

Mr. COOPER. Would that be for fiscal 1970?

Mr. McGEE. That would be for fiscal 1970.

Mr. COOPER. How much would it be for 1971?

Mr. McGEE. Twice $363 million, plus whatever the executive would determine on July 1 was the rise in comparability figures.

Mr. COOPER. Then there would be a further rise the next fiscal year?

Mr. FONG. It is just for 2 years.

Mr. McGEE. This takes in the military.

Mr. COOPER. Mr. President, I do not know whether there is going to be a rollcall vote on this measure at this time of night, but I want to be recorded in opposition. It is too late to comprehend all its ramifications and total cost on this short notice.

Mr. McGEE. We brought out a bill after paring out everything that could be pared and still have a meaningful bill.

Mr. FONG. Mr. President, I strongly urge my colleagues to support H.R. 13000 the Federal pay bill now before us. The Members of this body will recall that in 1962 the grave problem of the loss of highly skilled Federal employees to private industry was presented to us. In addition, a severe lag of Federal civilian salaries behind those paid for comparable work in the private sector of our economy was obvious.

To counteract the loss of employees from the Federal Government for more lucrative positions in private industry and to insure that Federal employees were paid comparable salaries to their counterparts outside of government the Congress on September 27, 1962 approved by a vote of 72 to 3 what has been referred to as the comparability principle in the Federal classified and postal pay systems. This principle first adopted in 1962 and reaffirmed by the Congress and the President in 1964 and 1967 has helped tremendous in retaining employees in the Federal service who receive their training and great experience in the Federal Government. This principle has also been a significant factor in attracting highly competent personnel to the Government service. It has enabled Government to go to the college campuses and compete favorably with private industry recruiters for the best minds that the U.S. colleges and universities can produce.

There is no greater service which Americans can render at this time than to serve their Nation through Government employment. The success of our many Federal programs can be traced directly to the highly competent staffs in the departments and agencies of our Federal Government and comparable pay with private industry has enabled the Federal Government to be the leader that it is in all fields.

The pledge that the Congress and the President made in 1962, 1964, and 1967 to keep Federal salaries abreast of those in private industry demanded that the Senate Post Office and Civil Service Committee bring to this body the Federal salary bill we are now considering.

Under the system established in 1962 for bringing Federal salaries in line with those in private industry the Bureau of Labor Statistics was directed to make annual surveys of wages paid to the nongovernment employees of our country. I am advised by the Bureau of Labor Statistics that they begin collecting the information on private industry salaries in March and complete this work sometime in September. The average payroll reference period used by the BLS is June.

On December 8, 1969, the BLS issued its first public press release on the salary data it gathered. The raw average figure for the lag of Federal salaries behind those in private industry is 5.7 percent. It must be emphasized that this is an average figure and will vary with each individual Federal pay level.

The BLS press release means that as of 6 months ago Federal salaries were averaging 5.7 percent behind private industry.

The bill we are now considering provides for salary increases of 4 percent for all Federal employees now making below $10,000 per year; a 3-percent increase for those making above $10,000 but less than $15,000 a year; a 2-percent increase for those making above $15,000 but less than $20,000 a year; and a 1-percent increase for those in the GS–15 and PFS–18 pay levels. These increases would be effective January 1, 1970. All Federal employees over GS–15 and PFS–18 will not receive any increase on January 1.

The January 1 increase is only a stopgap measure to close the salary-lag gap for those in the lower levels of employment. From the BLS figures it is apparent that the maximum increase of 4 percent on January 1 is still at least 1.7 percent behind private industry. The committee felt that since the comparability figures were available it would be unfair to delay a salary increase of between 12 to 18 months.

The bill also calls for a second-step

increase to achieve comparability on July 1, 1970. The actual increase to become effective that date would be triggered by an Executive order issued by the President on the recommendations of the Civil Service Commission and the Bureau of the Budget.

The amount of the increase would be based on the refined Bureau of Labor Statistics figures for June, 1969—or 12 months after they were gathered.

This 12-month lag was considered by the committee and we voted to set a floor of 3 percent for the July 1, 1970 increase. It is significant to this 3 percent that Federal Government salaries have always lagged at least 12 months behind private industry. Invariably the increases in private industry are way above those finally given Federal employees during the 12 intervening months between the gathering of information and the effective date of the Federal salary increases. The committee feels that it would like to be in a position for once of not playing catchup to the extent that it has had to every year since the comparability principle was adopted.

This measure affects approximately 2.2 million Federal employees. The cost of the bill has been estimated by the Bureau of the Budget to be approximately 3.37 percent of the total Federal payroll for fiscal year 1970 or $363,500,000. The estimated cost of the bill in fiscal year 1971 is 6.66 percent of payroll or $1,413,500,000 for a total of $1,777,000,000.

It must be explained that the committee attempted to hold off as much of the costs of this measure in fiscal year 1970 as possible and still do justice to the 2.2 million Federal employees who are entitled to this increase. We believe we have done the best job that can be done under present circumstances. By approving this measure the Senate will have kept its pledge to all Federal employees that they shall be paid salaries comparable to their counterparts in private industry.

I strongly urge my colleagues to vote approval of H.R. 13000 as amended by the Senate Post Office and Civil Service Committee.

The PRESIDING OFFICER. If there are no amendments to be offered to the committee amendment, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill was passed.

The title was amended, so as to read: "An act to adjust the salaries of Federal employees, and for other purposes."

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I think the Senate ought to be aware of the strong efforts of Senator McGEE in behalf of this proposal. His splendid and outstanding work made possible an increase in pay for Federal classified and postal service workers. They are certainly in his debt. This outstanding service performed by the able and distinguished chairman of the Committee on the Post Office and Civil Service was truly commendable.

Mr. President, by necessity the senior Senator from Texas (Mr. YARBOROUGH) is away from the Senate today. In anticipation that the bill may have been called up in his absence, he prepared a statement in behalf of the proposal. As the Senate knows, he is the ranking majority member of the Committee on the Post Office and Civil Service and has long been a leader of efforts in behalf of all Federal employees. I commend his thoughtful statement to the Senate and ask unanimous consent that it be printed in the RECORD at this point.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR RALPH W. YARBOROUGH

Mr. President, as the ranking majority member of the Post Office and Civil Service Committee, I rise in support of H.R. 13000. This bill would provide a four percent pay increase for the majority of our Federal Employees. This pay increase would become effective January 1, 1970.

The bill further provides for an extension of the authority given the President in 1967 to make pay increases on the basis of 1969 comparability with private industry effective July 1, 1970. The measure stipulates that the July increase may not be less than three percent.

The bill also creates a new Federal Employee Salary Commission which will be composed of representatives from both management and labor and will be for the purpose of evaluating data relating to pay rates in comparable industries.

Although this bill does represent a positive step forward toward bringing our Federal Employees into economic equality with individuals employed in private industry, in my opinion the bill does not go far enough. I supported an increase of 5.4% in pay for our Federal Employees. I feel that such an increase is both justified and necessary. However, the bill that is before us today is a step in the right direction. Therefore, I urge all my colleagues to give it their full support.

ORDER FOR ADJOURNMENT UNTIL MONDAY, DECEMBER 15, 1969, AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the previous order for convening on tomorrow be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of business this evening, the Senate stand in adjournment until 10 o'clock Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1970

Mr. MANSFIELD. Mr. President, for the information of the Senate, the full Committee on Appropriations reported the Defense appropriation bill today. It will be the pending business at 10 o'clock Monday morning next.

I ask unanimous consent that H.R. 15090 be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 15090) making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES RELATING TO PANEL MEMBERSHIP AND REGULATORY MEASURES—REMOVAL OF INJUNCTION OF SECRECY

Mr. KENNEDY. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive I, 91st Congress, first session, the protocol to the International Convention for the Northwest Atlantic Fisheries, transmitted to the Senate today by the President of the United States, and that the protocol, together with the President's message, be referred to the committee on foreign relations and ordered to be printed, and that the President's message be printed in the RECORD.

Mr. GRIFFIN. Mr. President, reserving the right to object, has that been cleared with the minority?

Mr. KENNEDY. Yes.

Mr. GRIFFIN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Panel Membership and to Regulatory Measures. The Protocol is dated October 1, 1969, and was open for signature at Washington from October 1, 1969, through October 15, 1969, on behalf of the 14 Governments parties to the International Convention for the

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of December 17, 1969
91st-1st No. 210

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HIGHLIGHTS: House received conference report on national environmental policy bill. House conferees were appointed on comparability pay bill. House committee approved bill to increase number of supergrades. Senate committee approved migrant workers health bill.

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

HOUSE

1. ENVIRONMENT. Received the conference report on S. 1075, the proposed National Environmental Policy Act of 1969 (H. Rept. 91-765). p. H12686, pp. H12633-6

2. SUPERGRADES. The Post Office and Civil Service Committee voted to report (but did not actually report) S. 2325, amended, to increase the number of supergrade positions. p. D1227

3. COMPARABILITY PAY. Conferees were appointed on H. R. 13000, to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration; and Rep. Dulski inserted a joint statement by himself and Rep. Udall expressing the opinion that nothing will be gained by sending the "present emasculated Senate version to the White House this week," p. H12589.

4. CIVIL SERVICE. Concurred in the Senate amendment, with an amendment to H. R. 9233, to amend title 5, U. S. C., to promote the efficient and effective use of the revolving fund of the Civil Service Commission. p. H12589

5. FOOD STAMPS. The "Daily Digest" states that the Agriculture Committee met in executive session for continued consideration of the food stamp program and adjourned to continue on the first Tuesday after the first Monday the House meets after recess. p. D1226

6. WATER QUALITY. The "Daily Digest" states that the conferees met in executive session on H. R. 4148, the proposed Water Quality Improvement Act, but did not reach final agreement and recessed subject to call. p. D1227

7. FOREIGN AID. The conferees, in executive session, agreed to file a conference report on H. R. 14580, the foreign aid authorization bill. p. D1227

8. VEHICLE SAFETY. Conferees were appointed on H.R. 10105, to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970 and 1971. This bill contains a provision requiring the Department of Transportation to report on prevention of farm machinery accidents. p. H12590

9. INFLATION; INTEREST RATES. Passed with amendment S. 2577, to lower interest rates and fight inflation, to help housing, small business, and employment. Conferees were appointed. H. R. 15091, a similar bill, which has been passed earlier, 259-136, with amendments, was tabled. pp. H12591-633

   Rep. Madden had previously expressed his hope that the proposed legislation would be passed. pp. H12589-90

   Received from the President a communication urging Congress to hold down spending and maintain revenues (H. Doc. 91-205). p. H12686

10. DESERTLAND ENTRYMEN. The Agriculture Committee reported H. R. 6244, to enable the Secretary of Agriculture to extend financial assistance to desertland entrymen to the same extent as such assistance is available to homestead entrymen (H. Rept. 91-762). p. H12686

1 day closer to getting this bill through. If there is anybody at fault, it is my fault, not the chairman's.

There was no intent to ignore the ranking Member or any other Member. I feel deeply about the legislation. I pray you will help me make coal mining safer.

The SPEAKER. The time of the gentleman from New Jersey has expired.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, may I now renew my point of order that a quorum is not present. Since this minute has expired and since it is a terribly interesting discussion, I am sure the other Members would like to hear all of this discussion. Therefore, Mr. Speaker, I renew my point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 329]

Abbitt	Gilbert	O'Hara
Andrews, Ala.	Gray	Ottinger
Baring	Hall	Pelly
Bolling	Hanna	Pollock
Celler	Hansen, Wash.	Powell
Clark	Hébert	Quie
Clay	Heckler, Mass.	Rees
Conyers	Kirwan	Reid, N.Y.
Cunningham	Leggett	Rivers
Davis, Ga.	Lipscomb	Rooney, Pa.
Dawson	Long, La.	Scheuer
Dickinson	McCloskey	Steed
Diggs	McEwen	Teague, Calif.
Downing	Mahon	Teague, Tex.
Foley	Martin	Tunney
Ford, William D.	Monagan	Whalley
Gallagher	Moorhead	
	Nichols	

The SPEAKER. On this rollcall 382 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON H.R. 13000, FEDERAL SALARY COMPARABILITY ACT OF 1969

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object—and I do not intend to object—would the gentleman from New York, the chairman of the committee, give us any information as to whether it is the hope or intention of the House conferees to conclude action on this legislation prior to adjournment, or whether it is something that will carry over and be considered in the conference after we reconvene in January?

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from New York.

Mr. DULSKI. It is the opinion of the committee that we will ask for a conference and will not do anything on it until the year 1970.

Mr. GERALD R. FORD. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. DULSKI, HENDERSON, OLSEN, UDALL, CORBETT, GROSS, and BUTTON.

JOINT STATEMENT BY CHAIRMAN DULSKI AND SUBCOMMITTEE CHAIRMAN UDALL ON PENDING VERSION OF FEDERAL SALARY COMPARABILITY ACT OF 1969

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DULSKI. Mr. Speaker, with regard to the legislation (H.R. 13000) just sent to conference, I submit for the RECORD the following joint statement on behalf of myself as chairman of the Committee on Post Office and Civil Service and the gentleman from Arizona (Mr. UDALL), the chairman of the Subcommittee on Compensation:

JOINT STATEMENT BY CHAIRMAN DULSKI AND SUBCOMMITTEE CHAIRMAN UDALL

The pending version of the Federal Salary Comparability Act of 1969—previously passed by the House and now returned to the House after many surgery in the Senate—bears little resemblance to our original legislation.

The bill was drafted and sponsored by the gentleman from Arizona (Mr. UDALL) and a bipartisan group of 17 colleagues on our Post Office and Civil Service Committee. It passed the House on October 14 by a record vote of 311 to 51.

The Senate has completely revised the concept of our bill and approved only token provisions. Final action in the Senate came by voice vote after short discussion last Friday evening.

There is pressure from some sources, notably in the Senate, for the House to accept the Senate version and send it to the White House for Presidential action.

However, White House disapproval is foredoomed.

The President has made it clear he will veto any employee pay bill lacking provision for a postal corporation. The Vice President reiterated the veto promise in a speech to the Governor's Conference over the weekend.

Thus, if the House were to accept the Senate version and send it to the White House before adjournment, it would be an act of futility. The President could pocket-veto the bill, and the House and Senate would have no chance to consider overriding the veto. All the efforts of the two Houses would go down the legislative drain.

The only logical approach for the House, therefore, is to send H.R. 13000 to conference with the Senate. In that way, the conferees can work their will and report back to their respective Houses.

When the final version goes to the White House early next year, the Congress again will be in session and will be prepared to act accordingly if the President should exercise his veto power.

No one will gain anything by sending the present emasculated Senate version to the White House this week.

We have no intention of asking our Committee to start out from scratch in the new year. H.R. 13000 will remain alive by our decision.

REVOLVING FUND OF THE CIVIL SERVICE COMMISSION

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9233) to amend title 5, United States Code, to promote the efficient and effective use of the revolving fund of the Civil Service Commission in connection with certain functions of the Commission, and for other purposes, with a Senate amendment thereto, and consider the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 4, after line 3, insert:

"SEC. 2. The provisions of section 8341(e) of title 5, United States Code, as amended by section 206(b) of Public Law 91-93 (83 Stat. 140), shall be effective as of October 20, 1969.

"SEC. 3. Section 8340 of title 5, United States Code, is amended by adding the following at the end thereof:

"'(g) Each annuity payable from the Fund based on involuntary separation and having a commencing date after November 1, 1969, but before January 2, 1970, shall be increased, from the commencing date of the annuity, by 5 percent.'"

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MOTION OFFERED BY MR. HENDERSON

Mr. HENDERSON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HENDERSON moves to concur in the Senate amendment with an amendment as follows: In the Senate amendment strike out section 3.

The motion was agreed to.

The Senate amendment, as amended, was concurred in.

A motion to reconsider was laid on the table.

WHAT HAS CONGRESS DONE TO HELP SOLVE THE PROBLEMS OF THE PEOPLE?

(Mr. MADDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, I was very happy to hear the majority leader announce that we will not come back until January 19 after we adjourn—I hope Saturday night. When the Members go home, if they have any towns over 20,000 in population in their districts, they might as well figure that they are going to spend much of their time answering questions on the housing crisis, high interest—unemployment, small business problems, water and air pollution, and so forth.

Members are going to be asked, "What have you done as to lower interest rates?"

They are going to be asked, "What have you done to help small business?" In other words the curbing of Federal building—post office construction—highway transportation, et cetera, are other grips on the minds of millions over the Nation.

They are going to be asked, "What have you done to help people get employment? Why do we have such big unemployment?"

Now, I have some good news for the Members. The Rules Committee spent 4 hours in session yesterday, and the Democratic members unanimously reported out a bill which had been unanimously passed by the Democratic members on the Banking and Currency Committee. This legislation if passed by the House today and eventually enacted into law will contribute greatly to a solution of most of our economic problems.

Mr. Speaker, I wish to read to the Members a resolution unanimously adopted by the Democratic House steering committee at our special meeting this morning:

ENDORSEMENT OF H.R. 15091

The House democratic steering committee met this morning and approved the following Resolution:

"Be it resolved by the Democratic steering committee of the House of Representatives, That the Congress should promptly enact H.R. 15091, which will be debated on the House floor today, to lower interest rates and fight inflation, to help housing, small business, and employment, and for other purposes."

RAY MADDEN,
Chairman.

So, Mr. Speaker, I hope H.R. 15091 is passed unanimously here so that we can all go home and say that we have really done something and enacted legislation for the benefit of the people.

RESIGNATION OF AND APPOINTMENT OF CONFEREE ON EXPORT CONTROL ACT

Mr. PATMAN. Mr. Speaker, with respect to the Export Control Act, the gentleman from Pennsylvania (Mr. BARRETT) was appointed as a conferee. He would like to be excused from that. Therefore, Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania may be excused and the Speaker may be allowed to appoint another conferee in lieu of him.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Chair appoints as the additional conferee in lieu of the gentleman from Pennsylvania (Mr. BARRETT), the gentleman from Ohio (Mr. ASHLEY).

The Clerk will notify the Senate of the action of the House.

JUSTICE AND FAIRNESS FOR GI'S

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GREEN of Oregon. Mr. Speaker, I take this 1 minute to comment on reports that have been available to the Education and Labor Committee on financial aid in Upward Bound prison programs—and committee testimony—this morning on GI financial aid under the Veterans' Administration. I tried to find the distinguished chairman of the Committee on Veterans' Affairs. I know of no person in the United States who has done more for veterans than the very distinguished gentleman from Texas (Mr. TEAGUE). I have extremely high regard for him.

But, Mr. Speaker, the facts are that we are paying an enrollee in the OEO Upward Bound prison program $175 a month, plus, I repeat, plus tuition, fees, and books when he is paroled and enrolled in a college. But to a GI, we pay only $130 a month from which he must pay for his tuition, fees, and books when he is discharged and enrolls in a college to further his education. There is $175 a month plus tuition and fees to a prison parolee and only $130 which must include all tuition and fees to a GI.

This hardly seems the wise way to legislate—to pay to a person who has committed a crime against society a much larger amount than to a GI who was, for example, drafted and sent to Vietnam. If this be the way Congress intends to mete out justice then I want no part of it.

I mention this now, Mr. Speaker, to urge the House conferees to increase the GI college benefits to the largest amount possible not only to say to the veterans "a grateful nation does indeed appreciate your loyalty, your service, your patriotism," but also to make it somewhere near as easy for them to continue their education as we now are doing for prison parolees to continue theirs.

It is really incredible to me that the past administration and now the present administration allows this to continue.

I am one Member of this House who thinks that the veteran who has served in Vietnam or Korea is entitled to, at a minimum, as good treatment. So I am pleading for equity and justice and understanding.

TO PROMOTE SAFETY OF EMPLOYEES AND TRAVELERS UPON RAILROADS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8449) to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 2, line 14, strike out "operation" and insert "movement".

Page 4, line 10, strike out all after "device" down to and including "means" in line 12.

Page 6, line 3, strike out "district" and insert "United States".

Page 6, line 4, after "him" insert "; but no such suit shall be brought after the expiration of two years from the date of such violation".

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 10105, NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10105) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970, 1971, and 1972, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs: STAGGERS, MOSS, MURPHY of New York, BLANTON, SPRINGER, KEITH, and HARVEY.

APPOINTMENT OF ADDITIONAL CONFEREES ON S. 3016—ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1969

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Speaker be permitted to add two additional conferees on the part of the House on S. 3016, the Economic Opportunity Act Amendments of 1969.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, but in view of the large number of members already on this conference, apparently most of the Committee on Education and Labor will serve thereon.

Is the conference to be held in the armory or the stadium?

Mr. PERKINS. Mr. Speaker, if the gentleman will yield, I might say to my distinguished colleague that we are trying to obtain a large structure. I do not know whether we will be able to accommodate everyone that wants to participate but I may say to the gentleman that there are not many issues to be decided.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following additional conferees: Messrs. SCHEUER and STEIGER of Wisconsin.

The Clerk will notify the Senate of the appointment of the additional conferees.

CORRECTION OF THE RECORD

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent that my remarks of December 3, 1969, on pages H11747 and H11762 of the RECORD for that date be corrected by inserting in lieu thereof the following statements, that these statements be printed at this point in the

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

For actions of December 18, 1969
91st-1st No. 211

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

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HIGHLIGHTS: House committee reported supergrade bill. Senate passed supplemental appropriations bill. Senate committee reported migrant workers health bill. Senate passed foreign aid appropriations bill.

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

SENATE

1. SORED WALKING HORSES. Passed with committee amendments S. 2543, the bill to prohibit the movement in interstate and foreign commerce of sored Tennessee walking horses. pp. S17077-81

2. APPROPRIATIONS. Passed H. R. 15149, the foreign aid bill by 55 yeas to 35 nays, adopting all committee amendments, and the McGee amendment reducing by $25 million the funds for military assistance. pp. S17083-88, 17096-107, 17109, 17112-23

   Passed H. R. 15209, the supplemental appropriations bill for fiscal year 1970, after adopting all committee amendments, by 74 to 0. pp. S17124-65, 17186-221

   Both Houses agreed to the conference report on H. R. 15090, the Defense appropriations bill for fiscal 1970 (pp. H12706-8, S17181-6). This bill will now be sent to the President.

3. MORTGAGE CREDIT. Conferees were appointed on S. 2577, to provide additional mortgage credit. pp. S17107-09

4. CIVIL SERVICE. Agreed to House amendment to H. R. 9233, to promote the efficient and effective use of the revolving fund of the Civil Service Commission. This bill will now be sent to the President. p. S17161

5. MIGRANT WORKER. Sen. Yarborough reported S. 2660, to extend the Migrant Health Act for three years, from Committee on Labor and Public Welfare (S. Rept. 91-618) p. S1722

6. MEXICAN-AMERICAN AFFAIRS. Concurred in House amendments to S. 740, to establish the Inter-Agency Committee on Mexican-American Affairs; this bill will now be sent to the President. pp. S17127-28

7. FEDERAL EMPLOYEES' PAY. Conferees were appointed on H. R. 13000, the proposed Federal Salary Comparability Act of 1969. p. S17147

HOUSE

8. APPROPRIATIONS. Conferees were appointed on H. R. 14794, making appropriations for the Department of Transportation and related agencies, 1970 (p. H12689); and received the conference report (H. Rept. 91-771) (pp. H12782-3).

   Conferees were appointed on H. R. 13111, making appropriations for Labor, HEW, and related agencies, 1970. Senate conferees have been appointed. pp. H12689-90, H12720-24

   Received the conference report on S. 2577, to provide additional mortgage credit (H. Rept. 91-769). pp. H12783-6

   Conferees were appointed on H. R. 15149, foreign assistance and related programs appropriations, 1970. p. H12736

   Received the conference report on H. R. 14751, making appropriations for military construction for the Department of Defense for fiscal year 1970. pp. H12780-2

that authority in him by the clause the Senator did not read, "which the Comptroller General of the United States holds to be in contravention of any Federal statute."

I wish I could agree with the Senator, but I cannot. I point out again, as a critically important item of evidence, that the Comptroller General, himself, did not ask for any such authority. All he asked for was a pinpointed resolution about the Philadelphia plan.

Mr. ALLOTT. That is entirely correct. I know that the Senator is very devious—not in a bad sense, but because he is a very clever man—and of course the concept of this argument is to get us off on issues other than the power of the Comptroller General.

My purpose is to say that we are beginning the denigration and the deterioration of the independent arm of Congress, and that is the whole point of my discussion.

I thank the Senator for yielding.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS obtained the floor.

Mr. McGEE. Mr. President, will the Senator yield to me briefly?

Mr. JAVITS. I yield to the Senator from Wyoming without losing my right to the floor.

FEDERAL SALARY ACT OF 1969

Mr. McGEE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 13000.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McGEE. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McGEE, Mr. YARBOROUGH, Mr. RANDOLPH, Mr. FONG, and Mr. BOGGS conferees on the part of the Senate.

SUPPLEMENTAL APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 15209) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes.

Mr. JAVITS. Mr. President, I shall not detain the Senate more than 10 minutes.

I believe we have discussed adequately what I consider to be and what others consider to be an improvident grant of authority to the Comptroller General, or at least locking in his authority in this way, in an absolute way, in every conceivable appropriation act, present and future, in a supplemental bill in the last days of the session. That alone is sufficient reason to reject the provision.

Mr. President, I wish to address myself to the Philadelphia plan, as such. I did not wish to contradict the Senator from Colorado (Mr. ALLOTT) because he is anxious to get away. Nevertheless, the central reason that the amendment is before us is the Philadelphia plan.

I call attention to the letter of the Comptroller General to the committee dated December 2, 1969, addressed to the Senator from West Virginia (Mr. BYRD).

Mr. JAVITS. Mr. President, the letter states:

> I want to bring a matter to your attention which I think is of the utmost importance to the Congress and the General Accounting Office. This involves the Philadelphia Plan promulgated by the Department of Labor to increase the number of minority group workers in certain construction trades.

The letter goes on to say what he wants the Appropriations Committee to do. He submits to the Appropriations Committee a pinpoint provision, nothing like this broad locking in of absolute authority which is contained in section 904. It is a pinpointed provision directed toward the Philadelphia plan and it seeks to declare illegal or improper any plan like the Philadelphia plan. That is the central core.

Mr. President, I respectfully submit this is the central purpose of the amendment before us and the only conceivable reason I can see that it was drawn on the broad basis it was drawn, as to the whole broad power of the Attorney General is that it was only done so because the drafters did not want to make it a civil rights issue if they could avoid it. They wanted to make it an issue of the quarrel between the Attorney General and the Comptroller General. But this is the essence of what it is getting at, and this is what the Comptroller General asked for.

That leads me to the merits of the Philadelphia plan. The Philadelphia plan was drawn only by way of implementing an executive order. This applies only to government contractors.

The Civil Rights Act of 1964 deals with questions of discrimination in employment on the question of race and sex, but this matter applies only to contractors. The Philadelphia plan implemented an executive order of the President which sought to bring about some affirmative action by Government contractors which would bring about a greater measure of equality of opportunity in respect of employment, certainly a very legitimate effort by the United States.

In that respect, I should like to quote from the executive order indicating what we mean by saying an affirmative effort. The executive order says:

> The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.

Now this is the pertinent sentence:

> The contractor will take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to race, color, religion, sex, or national origin. Such action includes but is not limited to the future employment, upgrading, demotion, transfer, recruitment, recruitment advertising, layoffs in terms of rates of pay and other forms of compensation.

It was in implementation of that concept that the Philadelphia plan provided that part of the competitive bidding—this is a very important point—in respect to this whole matter—part of the competitive bidding on any Government contract in the Philadelphia area, on the part of seven specified crafts, where there had been a serious record of discrimination in employment, on the ground primarily of color, that part of the competition should be a goal which the individual bidding contractor set for himself as to the number of minority people he could bring into employment on that particular job in performing that particular contract, and that that was competitive bidding. And then Government, in deciding what contractor they would award the contracts to, would take that factor into consideration as an element of the award.

Now if the contractor was absolutely bound to that goal—and certain norms were specified by the Department of Labor, and certain parameters were considered they would have in that particular community—if the contractor were absolutely bound by that as an obligation, then we might construe it as a quota—an indirect quota. But that is not the case. The only thing the contractor has to show by way of performance is good faith—that he tried to perform. They give him various guidelines as to what good faith means, which are practicable and entirely within the outlines of union-management activities.

If the Government makes a charge against a contractor in that regard, that he has not used good faith, he does not thereupon assume the burden of proof. The burden of proof remains with the Government. The only issue is good faith—not that he performed—but good faith in trying to perform. The only thing shifted is the burden of going forward; that is, he has to come forward to show what he did about good faith, but final proof that he did not do what he was supposed to do, which was good faith, still remains with the Government.

It seems to me, and to the Attorney General, and to the President of the United States, to the Secretary of Labor, and to many authorities throughout the country, that that was nothing more than a reasonable implementation of the affirmative effort aspects of the original

Executive order which dealt with this whole question.

Now as to the argument of the Senator from Colorado (Mr. ALLOTT), how could a contractor meet a goal if, let us say a union cracked down and said that it would not take in any Negroes, or if they had to take in nonunion men, they would go out on strike, that is part of what is meant by the good faith aspect, if he does his best to show that he has performed his obligation. If he is frustrated he still gets his money for the contract. It seems to me that that is the turning point, the fulcrum to demonstrate that this was a matter of goals, that it was a matter of affirmative effort within the establishment of reasonable requirements, that it did not represent a quota for which the contractor should be penalized for reasons beyond control, or to which he was bound as a contractor. It is the good faith aspect.

This has rarely been emphasized by the opponents of the Philadelphia plan.

What is the virtue of the plan? In other words, why promulgate it at all? The endeavor was to require a contractor to utilize his resourcefulness in his relationships with labor, and the fact that they control a certain amount of employment and could take the initiative in order to improve what was a bad situation in many local unions, regarding the letting in of Negroes and other minorities into a union so that they could get jobs, with many consequences which have been detailed in testimony, and so forth.

Now I am deeply convinced, and many others in the country are convinced, that this plan was creative, and ran counter to no law. That it was a creative effort to do something which needed so urgently to be done—and which had been frustrating in terms of the feeling, theretofore, that, well, the union would not let them in, that unions were hard to move, that they moved slowly when they did move at all. There are some notable exceptions, such as the exception in the New York area, under the gifted leadership of Harry Van Arsdale and Pete Brennan, two outstanding labor leaders with enlightened minds. So it was an effort to "get off the dime" in that regard. It was a creative effort.

I respectfully submit, considering the pressure and difficulties under which we labor in respect to equal employment in the country, that the Philadelphia plan was not only lawful, but desirable and that the Congress should not, by this indirect action of an enormous and arbitrary vesting of authority in the Comptroller General, abort it.

That is exactly what we would be doing, Mr. President, in my judgment. I think that is the essence of the argument. As I say, I testified before the subcommittee of which the Senator from North Carolina (Mr. ERVIN) is the chairman. We had a very tough go on the thing. The Senator from North Carolina is not a man to let one go without searching questions and presentations of points of view, which will undoubtedly happen again and again.

The matter should be vested in the proper legislative committee and it seems to me that is where it should be decided. If we get any suggestions from them for legislation, that is the way the issue should be handled on the basis of that kind of record and not by indirection in the last days of Congress on a supplemental appropriation bill, which is exactly what is being attempted.

Again I say, let us not get diverted by the issue of the power or lack of power of the Comptroller General. The fact is, if he has the power claimed for him, he has it, and he does not need this particular provision. The purpose of the provision is to abort the Philadelphia plan. I think, therefore, for two reasons—one, that there is danger of a much broader vesting of authority than anyone really wants, including Congress and, two, the aborting of a desirable effort, which looks promising in the building construction field, that Congress should turn down the provision.

When I began, I said that the procedure I would use would involve the making of a point of order which the Senator from West Virginia (Mr. BYRD) would then challenge on the ground that the provision was germane, with a vote on that.

I am afraid that that is confusing and Senators will not know whether to vote yea or nay or anything like that.

Therefore, I shall propose at the proper moment, when everyone else has had his say, to move to table the provision—we all understand that—with the understanding that it will be a matter of deferring action on it, so that it does not occur in this bill, with the realization that it will come before us at an appropriate time, and in an appropriate way.

The PRESIDING OFFICER. The Senator may not move to table, but a motion to strike out would be in order.

Mr. JAVITS. I understand it has been agreed to as original text. All right. In that case, I will stick to the original design and make the point of order against the amendment. But, before I do that, I should like to yield the floor so that any other Senator who wishes to speak, may do so.

Mr. President, apparently no Senator wishes to be heard on the subject, and I therefore now make a point of order against section 904 on the ground that it is legislation on an appropriation bill.

Mr. BYRD of West Virginia. Mr. President, section 901, which was proposed by the Bureau of the Budget and which was included in the bill by the House committee and approved by the House of Representatives, is a general provision which amends restrictions or provisions in all of the appropriation bills which have previously been approved by the Congress for fiscal year 1970.

Public Law 91–114, approved November 10, 1969, increased the maximum travel allowances of Government employees traveling on official business within the continental United States from $16 to $25 per day and from $30 to $40 per day when travel is performed under certain unusual circumstances.

Inasmuch as the section which was approved by the House amends restrictions contained in all of the appropriation acts, it is in order in the Senate for a general provision restricting the funds in all of the appropriation acts to be included in this bill.

Section 904, which the committee has proposed, is in order in this bill since the House has already opened the door on restrictions and limitations relating to all of the other appropriation bills. Therefore, Mr. President, I raise the question of germaneness.

The PRESIDING OFFICER. Under rule XVI, paragraph 4, the Chair is required to submit the question to the Senate to be determined without debate.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. A "yea" vote on this ruling will be a vote to retain the provision in the bill; a "nay" vote will be a vote to strike it from the bill as nongermane. Is that correct?

The PRESIDING OFFICER. The Chair will first put the question. The question is: Is it the judgment of the Senate that the section is germane to the bill?

Mr. JAVITS. I now repeat my inquiry.

The PRESIDING OFFICER. A "yea" vote would hold the section to be germane, and it would stay in the bill. A "nay" vote would hold it to be not germane to the bill.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, if the manager of the bill is willing, I am willing to call off the quorum call and go ahead and vote.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. So that Senators may be clear on the matter of voting, will a vote of "yea" be a vote to retain section 904 in the bill, and a vote of "nay" be a vote to strike section 904 from the bill?

The PRESIDING OFFICER. The Senator is correct. The question is, Is it the judgment of the Senate that section 904 is germane to the bill?

Mr. BYRD of West Virginia. Mr. President, I ask that the Senate be in order, and that the well be cleared of Senators and staff members.

The PRESIDING OFFICER. The Senate will be in order. Senators and staff members will take their seats.

Mr. McCLELLAN. Mr. President, the Department of Labor, on June 27, 1969, issued the revised Philadelphia plan, so-called because it was to be applied initially to the Philadelphia area and subsequently to other areas of the Nation.

The plan provides that there shall be

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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
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HIGHLIGHTS: Both Houses agreed to the conference report on agricultural appropriations, clearing the measure for the President.
Senate passed and cleared for the President bills affecting peanut acreage allotments, and animal welfare.
House passed with amendments the Plant Variety Protection Act.
Conferees in executive session agreed to file conference report on the proposed Federal Salary Comparability Act.
Sen. Cooper extolled the Agricultural Conservation Program.

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
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SENATE

1. APPROPRIATIONS. Both Houses agreed to the conference report on H.R. 17923, FY 1971 appropriations for the Department of Agriculture. This bill now goes to the President. pp. S19664-81; H11300-6
   Passed H.R. 19590, FY 1971 appropriations for the Defense Establishment, with amendments: conference requested and conferees appointed. pp. S19631-64; S19681-712

2. PEANUT ACREAGE ALLOTMENTS; ANIMAL WELFARE. Passed without amendment H.R. 17582, establishing permanent authority for the sale and transfer of peanut acreage allotments; and HR. 19846, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets. Both bills now go to the President. pp. S19690; S19714-6

3. HOUSING, URBAN DEVELOPMENT. Passed H.R. 19436, after substituting the langua of S. 4368 passed earlier, the proposed Housing and Urban Development Act of 1970, with further amendment. p. S19712

4. ACP. Sen. Cooper praised the Agricultural Conservation Program and called upon President to act to restore funds for the service. pp. S19630-1

5. RAILWAY STRIKE. Both Houses received the President's message concerning the railway strike emergency, (H. Doc. No. 91-424) pp. H11299-300; S19563

HOUSE

6. NOVEL PLANT VARIETIES. Passed with amendments S. 3070, to encourage the development of novel varities of sexually reporduced plants. pp. H11330-9

7. APPROPRIATIONS-DOT; FEDERAL-AID HIGHWAY ACT; HAZARDOUS SUBSTANCES. Disagreed with Senate amendments, requested conference, and appointed conferees, on the following bills:
   H.R. 19504, Federal-Aid Highway Act; and
   H.R. 17755, FY 1971 Appropriations for the Department of Transportation.
   Insisted on its amendment and requested conference on S. 2162, to provide for special packaging to protect children from hazardous substances; conferees appointed. pp. H11300; H11306-24; H11330-9

8. ANIMAL WELFARE. Rep. Whitehurst spoke in favor of H.R. 19846, the Animal Welfare measure and inserted the report "Committee Intent". pp. H11340-1

9. FEDERAL PAY. Conferees, in executive session, agreed to file a conference report on H.R. 13000, proposed Federal Salary Comparability Act of 1970.

FOREIGN ASSISTANCE ACT

Committee on Rules: Granted an open rule providing for the consideration of and 2 hours of debate on H.R. 19911, to amend the Foreign Assistance Act of 1961. Testimony was heard from Chairman Morgan and Representative Adair.

CAMPAIGN FINANCING

Committee on Standards of Official Conduct: Continued hearings on campaign financing and possible revision of the Corrupt Practices Act. Witnesses heard were Representatives Schwengel, Matsunaga, Steiger of Wisconsin, Pike, O'Hara, and Conable.

Hearings continue tomorrow.

WAYS AND MEANS MISCELLANY

Committee on Ways and Means: Met in executive session and ordered reported favorably to the House the following bills:

H.R. 6562 amended, to amend certain provisions of the Internal Revenue Code of 1954 relating to beer;

H.R. 17988 amended, to amend section 47 of the Internal Revenue Code of 1954 to allow aircraft to be leased for temporary use outside the United States without a recapture of the investment credit;

H.R. 18190, to amend section 1372 of the Internal Revenue Code of 1954, relating to passive investment income;

H.R. 18251 amended, to amend the Internal Revenue Code of 1954 to provide refunds in the case of certain uses of tread rubber.

H.R. 18549, to amend the Internal Revenue Code of 1954 to reduce the 50-percent requirement to 10 percent between first and second levels and to include third-level foreign corporations in the tax credit structure if the 10-percent test is met;

H.R. 19562 amended, to amend the Internal Revenue Code of 1954 in relation to corporate reorganizations;

H.R. 19686 amended, to amend section 367 of the Internal Revenue Code of 1954;

H.R. 19774 amended, to amend the Internal Revenue Code of 1954 to provide that in certain cases a spouse will be relieved of liability arising from a joint income tax return;

H.R. 19881, consolidated returns of life insurance companies; and

H.R. 19915, to make permanent the existing temporary provision for disregarding income of OASDI and railroad retirement recipients in determining their need for public assistance.

Joint Committee Meetings

FOREIGN TRADE POLICY

Joint Economic Committee: Subcommittee on Foreign Economic Policy continued hearings concerning U.S. foreign trade policy, receiving testimony on the feasibility and desirability of additional trade between East and West from J. Irwin Miller, chairman, Cummins Engine Co., Inc., Columbus, Ind.; Samuel Pisar, attorney, Paris; Otto Wolff von Amerongen, president, German National Chamber of Commerce and Industry; and Prof. Ota Sik, Basal University, Switzerland, and former Deputy Premier of the Czechoslovak Socialist Republic.

Hearings continue tomorrow.

BANK HOLDING COMPANIES

Conferees, in executive session, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 6778, to amend the Bank Holding Company Act of 1956.

FEDERAL EMPLOYEES' PAY

Conferees, in executive session, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 13000, proposed Federal Salary Comparability Act of 1970.

MANPOWER TRAINING

Conferees, on Monday, December 7, in a late evening session, agreed to file a conference report on the differences between the Senate- and House-passed versions of S. 3867, providing assistance to the States for employment and training of unemployed and underemployed persons.

AIR POLLUTION

Conferees resumed in executive session to resolve the differences between the Senate- and House-passed versions of H.R. 17255, providing for the establishment of air quality standards, but did not reach final agreement and will meet again tomorrow.

APPROPRIATIONS—LABOR-HEW

Conferees met in executive session to resolve the differences between the Senate- and House-passed versions of H.R. 18515, fiscal 1971 appropriations for th Departments of Labor and Health, Education, and Welfare, and related agencies, but did not reach final agreement and will meet again tomorrow.

HIGHWAY CONSTRUCTION

Conferees, in executive session, continued to resolve the differences between the Senate- and House-passed versions of H.R. 19504, proposed Federal-Aid Highway Amendments of 1970, but did not reach final agreement and will meet again tomorrow.

OCCUPATIONAL SAFETY AND HEALTH

Conferees met in executive session to resolve the differences between the Senate- and House-passed versions of S. 2193, to establish comprehensive safety and health standards for the American worker, but did not reach final agreement and will meet again on Wednesday, December 9.

Next meeting of the SENATE
10 a.m., Wednesday, December 9

Next meeting of the HOUSE OF REPRESENTATIVES
12 noon, Wednesday, December 9

OMNIBUS CRIME CONTROL

Conferees resumed in executive session to resolve the differences between the Senate- and House-passed versions of H.R. 17825, proposed amendments to the Omnibus Crime Control and Safe Streets Act, but did not reach final agreement and will meet again tomorrow.

COMMITTEE MEETINGS FOR WEDNESDAY, DECEMBER 9

(*All meetings are open unless otherwise designated*)

Senate

Committee on Finance, executive, to continue consideration of H.R. 17550, proposed Social Security Amendments of 1970, 10 a.m., 2219 New Senate Office Building.

Committee on the Judiciary, subcommittee, to continue hearings on the nomination of James H. Gorbey, to be a U.S. district judge for the Eastern District of Pennsylvania, 10 a.m., 2228 New Senate Office Building.

Committee on Labor and Public Welfare, to hold hearings on the current railroad labor-management dispute, to hear Labor Secretary Hodgson, 10 a.m., 4232 New Senate Office Building.

Committee on Rules and Administration, executive, on committee business, 10 a.m., 301 Old Senate Office Building.

House

Committee on Armed Services, Subcommittee No 1 (stockpiles) to hold hearing on the procedure for disposing of tin from the National Stockpile, 10 a.m., 2118 Rayburn Building.

Committee on Appropriations, executive, on supplemental appropriation bill for fiscal year 1971, 10:30 a.m., H–140, Capitol.

Committee on Banking and Currency, executive, on pending business, 10 a.m., 2128 Rayburn Building.

Committee on Education and Labor, to mark up S. 11, Intergovernmental Personnel Act, 9:45 a.m., 2175 Rayburn Building.

Committee on Foreign Affairs, Subcommittee on State Department Organization and Foreign Operations, to continue hearings on the attempted defection by a Lithuanian sailor, 10 a.m., 2172 Rayburn Building.

Committee on Government Operations, executive, to consider pending business, 10 a.m., 2154 Rayburn Building.

Committee on Interstate and Foreign Commerce, Subcommittee on Transportation and Aeronautics, to hold hearings on H.R. 19892, to declare a portion of the Oleta River in Dade County, Fla., non-navigable, 10 a.m., 2123 Rayburn Building.

Committee on the Judiciary, Subcommittee No. 2, to continue hearings on H.R. 17197, to remove the present $1 million limitation which prevents the Secretary of the Navy from settling and paying the claim of the Chesapeake Bay Bridge and Tunnel District arising out of the collision of the U.S. ship *Yancey* with the bridge-tunnel span, 10 a.m., 2226 Rayburn Building.

Committee on Merchant Marine and Fisheries, Subcommittee on Fisheries and Wildlife Conservation, to continue oversight hearings on the administration of the National Environmental Policy Act of 1969, 10 a.m., 1334 Longworth Building.

Subcommittee on Oceanography, to hold hearing on ocean dumping off the coast of Florida, 10 a.m., 1302 Longworth Building.

Committee on Rules, to hold hearings on the following bills:

Supplemental appropriation bill for fiscal year 1971;

H.R. 18874, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970;

H.R. 19866, Emergency Health Personnel Act of 1970; and

H.J. Res. 1413, to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, 10:30 a.m., H–313, Capitol.

Committee on Standards of Official Conduct, to continue hearings on campaign financing and possible revision of the Corrupt Practices Act, 10 a.m. and 2 p.m., 2359 Rayburn Building.

Committee on Ways and Means, executive, to consider miscellaneous bills, 10 a.m., committee room, Longworth House Office Building.

Joint Committees

Joint Economic Committee, Subcommittee on Foreign Economic Policy, to continue hearings concerning foreign trade policy, 10 a.m., room S–407, Capitol.

Conferees, executive, on H.R. 17825, proposed amendments to the Omnibus Crime Control and Safe Streets Act, 2 p.m., room undetermined.

Conferees, executive, on H.R. 18515, fiscal 1971 appropriations for the Departments of Labor and HEW, and related agencies, 2 p.m., room S–228, Capitol.

Conferees, executive, on H.R. 17255, providing for the establishment of air quality standards, 10 a.m., room S–207, Capitol.

Conferees, executive, on H.R. 19504, proposed Federal-Aid Highway Amendments of 1970, 1:15 p.m., room S–407, Capitol.

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HIGHLIGHTS: Senate passed rivers, harbors, and flood control bill with amendment.
Senate agreed to House amendment to plant variety protection bill.
Conferees filed report on federal pay bill.
Committees reported supplemental appropriations bill & rule for its consideration.
House passed bill increasing certain loans limitations.

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HOUSE

1. BILLS REPORTED.

Conferees reported H.R. 13000, to implement the Federal employee pay comparability system (H. Rept. 91-1685). pp. H11351-7, ~~H11473~~

Committee on Appropriations reported H.R. 19928, making supplemental appropriations for FY 1971 (H. Rept. 91-1688). H. Res. 1303, a rule waiving points of order against the bill and the 3-day rule, was granted by the Rules Committee. p. H11473

Conferees reported S. 3867, the Employment and Manpower Act, (H. Rept. 91-1713) pp. H11403-24; H11473

2. FLOOR ACTION.

Passed by a voice vote H.R. 11547, increasing the loan limitation on certain loans. Agreed to the Committee amendment and to an amendment authorizing loans to veterans of the Vietnam era. pp. H11427-33

Disagreed to Senate amendments to H.R. 19590, FY 71 Department of Defense appropriations. Conferees appointed. p. H11351

Concurred in certain amendments to S. 368, authorizing the disposition of geothermal steam and related geothermal resources. The bill is now returned to the Senate for further action. pp. H11424-7

Passed H.R. 19911, amending the Foreign Assistance Act of 1961, with amendment. pp. H11376-402

Agreed to the Senate amendments to H.R. 12979, regarding court leave for employees of the Federal Government and the District of Columbia. This bill now goes to the President. pp. H11358-8

3. COMMITTEE ACTION.

Committee on Government Operations voted to report (but did not actually report) the following reports: "The Rural Electrification Administration and the Hoosier Power System in Southern Indiana" and "Protecting America's Estuaries -- the Potomac". pp. D1253-4

Committee on Ways and Means voted to report (but did not actually report) the following bills:

H.R. 19242, with amendment, extending the application of section 278 of the Internal Revenue Code of 1954 from citrus groves to almond groves; and

S. 2984, to permit certain Federal employment to be counted toward retirement. p. D1255

SENATE

4. RIVERS, HARBORS, AND FLOOD CONTROL. Passed H.R. 19877, omnibus rivers and harbors and flood control authorization bill, substituting the language of S. 4572, and with further amendments; insisted on its amendments and requested conference with the House. pp. S19814-30; S19832-43

91st Congress, 2d Session } HOUSE OF REPRESENTATIVES { Report No. 91-1685

FEDERAL PAY LEGISLATION

December 9, 1970.—Ordered to be printed

Mr. Dulski, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 13000]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE

Section 1. This Act may be cited as the "Federal Pay Comparability Act of 1970".

RESTATEMENT OF CONGRESSIONAL POLICY ON FEDERAL PAY COMPARABILITY

Sec. 2. (a) Section 5301 of title 5, United States Code, is amended to read as follows:

"§ 5301. Policy

"(a) It is the policy of Congress that Federal pay fixing for employees under statutory pay systems be based on the principles that—

"(1) there be equal pay for substantially equal work;

"(2) pay distinctions be maintained in keeping with work and performance distinctions;

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"(3) Federal pay rates be comparable with private enterprise pay rates for the same levels of work; and

"(4) pay levels for the statutory pay systems be interrelated.

"(b) The pay rates of each statutory pay system shall be fixed and adjusted in accordance with the principles under subsection (a) of this section and the provisions of sections 5305, 5306, and 5308 of this title.

"(c) For the purpose of this subchapter, 'statutory pay system' means a pay system under—

"(1) subchapter III of this chapter, relating to the General Schedule;

"(2) subchapter IV of chapter 14 of title 22, relating to the Foreign Service of the United States; or

"(3) chapter 73 of title 38, relating to the Department of Medicine and Surgery, Veterans' Administration.".

(b)(1) Section 5302 of title 5, United States Code, is repealed.

(2) The table of sections of subchapter I of chapter 53 of title 5, United States Code, is amended by striking out:

"5302. Annual reports on pay comparability.".

ANNUAL PAY REPORTS AND ADJUSTMENTS; ADVISORY COMMITTEE ON FEDERAL PAY; RELATED PROVISIONS

SEC. 3. (a) Subchapter I of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following:

"**§ 5305. Annual pay reports and adjustments**

"(a) In order to carry out the policy stated in section 5301 of this title, the President shall—

"(1) direct such agent as he considers appropriate to prepare and submit to him annually, after considering such views and recommendations as may be submitted under the provisions of subsection (b) of this section, a report that—

"(A) compares the rates of pay of the statutory pay systems with the rates of pay for the same levels of work in private enterprise as determined on the basis of appropriate annual surveys that shall be conducted by the Bureau of Labor Statistics;

"(B) makes recommendations for appropriate adjustments in rates of pay; and

"(C) includes the views and recommendations submitted under the provisions of subsection (b) of this section;

"(2) after considering the report of his agent and the findings and recommendations of the Advisory Committee on Federal Pay reported to him under section 5306(b)(3) of this title, adjust the rates of pay of each statutory pay system in accordance with the principles under section 5301(a) of this title, effective as of the beginning of the first applicable pay period commencing on or after October 1 of the applicable year; and

"(3) transmit to Congress a report of the pay adjustment, together with a copy of the report submitted to him by his agent and the findings and recommendations of the Advisory Committee on Federal Pay reported to him under section 5306(b)(3) of this title.

"(b) In carrying out its functions under subsection (a)(1) of this section, the President's agent shall—

"(1) establish a Federal Employees Pay Council of 5 members who shall not be deemed to be employees of the Government of the United States by reason of appointment to the Council and shall not receive pay by reason of service as members of the Council, who shall be representatives of employee organizations which represent substantial numbers of employees under the statutory pay systems, and who shall be selected with due consideration to such factors as the relative numbers of employees represented by the various organizations, but no more than 3 members of the Council at any one time shall be from a single employee organization, council, federation, alliance, association, or affiliation of employee organizations;

"(2) provide for meetings with the Federal Employees Pay Council and give thorough consideration to the views and recommendations of the Council and the individual views and recommendations, if any, of the members of the Council regarding—

"(A) the coverage of the annual survey conducted by the Bureau of Labor Statistics under subsection (a)(1) of this section (including, but not limited to, the occupations, establishment sizes, industries, and geographical areas to be surveyed);

"(B) the process of comparing the rates of pay of the statutory pay systems with rates of pay for the same levels of work in private enterprise; and

"(C) the adjustments in the rates of pay of the statutory pay systems that should be made to achieve comparability between those rates and the rates of pay for the same levels of work in private enterprise;

"(3) give thorough consideration to the views and recommendations of employee organizations not represented on the Federal Employees Pay Council regarding the subjects in paragraph (2) (A)–(C) of this subsection; and

"(4) include in its report to the President the views and recommendations submitted as provided in this subsection by the Federal Employees Pay Council, by any member of that Council, and by employee organizations not represented on that Council.

"(c)(1) If, because of national emergency or economic conditions affecting the general welfare, the President should, in any year, consider it inappropriate to make the pay adjustment required by subsection (a) of this section, he shall prepare and transmit to Congress before September 1 of that year such alternative plan with respect to a pay adjustment as he considers appropriate, together with the reasons therefor, in lieu of the pay adjustments required by subsection (a) of this section.

"(2) An alternative plan transmitted by the President under paragraph (1) of this subsection becomes effective on the first day of the first applicable pay period commencing on or after October 1 of the applicable year and continues in effect unless, before the end of the first period of 30 calendar days of continuous session of Congress after the date on which the alternative plan is transmitted, either House adopts a resolution disapproving the alternative plan so recommended and submitted, in which case the pay adjustments for the statutory pay systems shall be made effective as provided by subsection (m) of this section. The continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 30-day period.

"(d) Subsections (e)–(k) of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(e) If the committee, to which has been referred a resolution disapproving the alternative plan of the President, has not reported the resolution at the end of 10 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the same plan which has been referred to the committee.

"(f) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same recommendation), and debate thereon is limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(g) If the motion to discharge is agreed to, or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same alternative plan.

"(h) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to an alternative plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(i) Debate on the resolution is limited to not more than 2 hours, to be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(j) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to an alternative plan, and motions to proceed to the consideration of other business, are decided without debate.

"(k) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to an alternative plan are decided without debate.

"(l) The rates of pay which become effective under this section are the rates of pay applicable to each position concerned, and each class of positions concerned, under a statutory pay system.

"(m) If either House adopts a resolution disapproving an alternative plan submitted under subsection (c) of this section, the President shall take the action required by paragraphs (2) and (3) of subsection (a) of this section and adjust the rates of pay of the statutory pay systems effective as of the beginning of the first applicable pay period commencing on or after the date on which the resolution is adopted, or on or after October 1, whichever is later.

"(n) The rates of pay that take effect under this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

"(1) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of the increases; and

"(2) any prior recommendations or adjustments which took effect under this section or prior provisions of law.

"(o) The rates of pay that take effect under this section shall be printed in the Federal Register and the Code of Federal Regulations.

"(p) An increase in rates of pay that takes effect under this section is not an equivalent increase in pay within the meaning of section 5335 of this title.

"(q) Any rate of pay under this section shall be initially adjusted, effective on the effective date of the rate of pay, under conversion rules prescribed by the President or by such agencies as the President may designate.

"(r) This section does not impair any authority pursuant to which rates of pay may be fixed by administrative action.

"§ 5306. Advisory Committee on Federal Pay

"(a) There is established as an independent establishment an Advisory Committee on Federal Pay, to be composed of 3 members, not otherwise employed in the Government of the United States, appointed by the President. The Director of the Federal Mediation and Conciliation Service shall, and other interested parties may, recommend to the President for his consideration persons generally recognized for their impartiality, knowledge, and experience in the field of labor relations and pay policy to serve as members. The President shall designate one of the members as Chairman. Each appointment shall be for a term of 6 years, except that one of the original members shall be appointed for a term of 2 years, and another for a term of 4 years. A member appointed to fill a vacancy occurring before the end of the term of his predecessor shall serve for the remainder of that term. When the term of a member ends, he may continue to serve until his successor is appointed.

"(b) To assist the President in carrying out the policy under section 5301 of this title, the Committee shall—

"(1) review the annual report of the President's agent;

"(2) consider such further views and recommendations with respect to the analysis and pay proposals contained in the annual report of the President's agent as may be presented to it in writing by employee organizations, the President's agent, other officials of the Government of the United States, and such experts as it may consult; and

"(3) report its findings and recommendations to the President.

"(c) The Committee may secure from any Executive agency or military department information, suggestions, estimates, statistics, and technical

assistance for the purpose of carrying out its functions. Each such Executive agency or military department shall furnish the information, suggestions, estimates, statistics, and technical assistance directly to the Committee on request of the Committee.

"(d) On request of the Committee the head of any Executive agency or military department may detail, on a reimbursable basis, any of its personnel to assist the Committee in carrying out its functions.

"(e) The Administrator of General Services shall provide administrative support services for the Committee on a reimbursable basis.

"(f) The Committee may obtain services of experts or consultants in accordance with section 3109 of this title but at rates for individuals not to exceed that of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of this chapter.

"(g) Each member of the Committee is entitled to pay at the daily equivalent of the annual rate of basic pay of level IV of the Executive Schedule for each day he is engaged on work of the Committee, and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703(b) of this title.

"(h) The Committee may appoint and fix the pay of such personnel as may be necessary to carry out its functions.

"§ 5307. Pay fixed by administrative action

"(a) Notwithstanding section 665 of title 31—

"(1) the rates of pay of—

"(A) employees in the legislative, executive, and judicial branches of the Government of the United States (except employees whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) and of the government of the District of Columbia, whose rates of pay are fixed by administrative action under law and are not otherwise adjusted under this subchapter;

"(B) employees under the Architect of the Capitol, whose rates of pay are fixed under section 166b–3 of title 40, and the Superintendent of Garages, House office buildings; and

"(C) persons employed by the county committees established under section 590h(b) of title 16; and

"(2) any minimum or maximum rate of pay (other than a maximum rate equal to or greater than the maximum rate then currently being paid under the General Schedule as a result of the pay adjustment by the President), and any monetary limitation on or monetary allowance for pay, applicable to employees described in subparagraphs (A), (B), and (C) of paragraph (1) of this subsection;

may be adjusted, by the appropriate authority concerned, effective at the beginning of the first applicable pay period commencing on or after the day on which a pay adjustment becomes effective under section 5305 of this title, by whichever of the following methods the appropriate authority concerned considers appropriate—

"(i) by an amount or amounts not in excess of the pay adjustment provided under section 5305 of this title for corresponding rates of pay in the appropriate schedule or scale of pay;

"(ii) if there are no corresponding rates of pay, by an amount or amounts equal or equivalent, insofar as practicable and with such exceptions and modifications as may be necessary to provide for appropriate pay relationships between positions, to the amount of the pay adjustment provided under section 5305 of this title; or

"(iii) in the case of minimum or maximum rates of pay, or monetary limitations or allowances with respect to pay, by an amount rounded to the nearest $100 and computed on the basis of a percentage equal or equivalent, insofar as practicable and with such variations as may be appropriate, to the percentage of the pay adjustment provided under section 5305 of this title.

"(b) An adjustment under subsection (a) of this section in rates of pay, minimum or maximum rates of pay, and monetary limitations or allowances with respect to pay, shall be made in such manner as the appropriate authority concerned considers appropriate.

"(c) This section does not authorize any adjustment in the rates of pay of employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(d) This section does not impair any authority under which rates of pay may be fixed by administrative action.

"§ 5308. Pay limitation

"Pay may not be paid, by reason of any provision of this subchapter, at a rate in excess of the rate of basic pay for level V of the Executive Schedule.".

(b) The table of sections of subchapter I of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following:

"5305. Annual pay reports and adjustments.
"5306. Advisory Committee on Federal Pay.
"5307. Pay fixed by administrative action.
"5308. Pay limitation.".

(c) The President may make the initial adjustment required by subchapter I of chapter 53 of title 5, United States Code, as amended by this Act, without regard to the provisions of such subchapter relating to the Advisory Committee on Federal Pay and the Federal Employees Pay Council. Notwithstanding any provision of such subchapter I prescribing an effective date of October 1 for any pay adjustment made by the President, the initial adjustment based on the 1970 Bureau of Labor Statistics survey and the adjustment based on the 1971 Bureau of Labor Statistics survey shall become effective on the first day of the first applicable pay period that begins on or after January 1, 1971, and January 1, 1972, respectively. Notwithstanding the provisions of such subchapter I, the President's agent for purposes of the 1971 and 1972 adjustments shall be the Director, Office of Management and Budget and the Chairman, United States Civil Service Commission. Adjustments under the provisions of such subchapter I shall not apply to employees of the Post Office Department whose basic pay is fixed under the General Schedule.

SENATE PAY ADJUSTMENTS

SEC. 4. (a) Each time the President adjusts the rates of pay of employees under section 5305 of title 5, United States Code, the President pro tempore of the Senate shall, as he considers appropriate—

(1)(A) adjust the rates of pay of personnel whose pay is disbursed by the Secretary of the Senate, and any minimum or maximum rate applicable to any such personnel; or

(B) in the case of such personnel whose rates of pay are fixed by or pursuant to law at specific rates, adjust such rates (including the adjustment of such specific rates to maximum pay rates) and, in

the case of all other personnel whose pay is disbursed by the Secretary of the Senate, adjust only the minimum or maximum rates applicable to such other personnel; and

(2) adjust any limitation or allowance applicable to such personnel;

by percentages which are equal or equivalent, insofar as practicable and with such exceptions as may be necessary to provide for appropriate pay relationships between positions, to the percentages of the adjustments made by the President under such section 5305 for corresponding rates of pay for employees subject to the General Schedule contained in section 5332 of such title. Such rates, limitations, and allowances adjusted by the President pro tempore shall become effective on the first day of the first pay period which begins on or after the day on which any adjustment becomes effective under such section 5305 or section 3(c) of this Act.

(b) The adjustments made by the President pro tempore shall be made in such manner as he considers advisable and shall have the force and effect of law.

(c) Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(d) No rate of pay shall be adjusted under the provisions of this section to an amount in excess of the rate of basic pay for level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

(e) For purposes of this section, the term "personnel" does not include any Senator.

PAY ADJUSTMENTS IN THE HOUSE OF REPRESENTATIVES

SEC. 5. (a) Whenever a pay adjustment by the President under section 5305 of title 5, United States Code, is made effective pursuant to subsection (a)(2), or subsections (c) to (m), inclusive, as the case may be, of such section 5305, or section 3(c) of this Act, then the Clerk of the House of Representatives, in such manner as he considers advisable—

(1) effective at the beginning of the first pay period commencing on or after the day on which such pay adjustment by the President is made effective as described above, shall adjust—

(A) each minimum and maximum rate of pay applicable to any employee or class of employees whose pay is disbursed by the Clerk of the House (other than a maximum rate equal to or greater than the maximum rate then currently being paid under the General Schedule of section 5332 of title 5, United States Code, as a result of such pay adjustment by the President); and

(B) each monetary limitation on or monetary allowance for pay applicable to any such employee or class of employees, including but not limited to—

(i) the clerk hire allowance for each Member of the House of Representatives and the Resident Commissioner from Puerto Rico; and

(ii) the allowances for additional office personnel in the offices of the Speaker, the majority leader, the minority leader, the majority whip, and the minority whip, of the House of Representatives;

by an amount rounded to the nearest $100 and computed on the basis of a percentage equal or equivalent, insofar as practicable and with such variations as the Clerk considers appropriate, to the percentage of the pay adjustment made by the President;

(2) shall determine, with respect to the employees and classes of employees within the purview of this section whose pay is disbursed by the Clerk, the respective amounts of pay adjustments which are equal or equivalent, insofar as practicable and with such exceptions and modifications as may be necessary to provide for appropriate pay relationships between positions, to corresponding increases in pay, as determined by the Clerk, made by the pay adjustment by the President; and

(3) shall transmit to the appropriate pay-fixing authority concerned in the House of Representatives a copy of his determinations with respect to the pay of those employees whose pay is fixed and adjusted by that authority.

(b) After consideration of the pay determinations transmitted by the Clerk of the House, the pay-fixing authority concerned may adjust, notwithstanding the provisions contained in section 665 of title 31, United States Code, the rates of pay concerned in such manner as that authority considers appropriate.

(c) Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(d) This section shall not be deemed to authorize any adjustment in the rates of pay of employees whose rates of pay are disbursed by the Clerk of the House of Representatives and are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices, including employees subject to the House Wage Schedule.

(e) No rate of pay shall be adjusted under this section to an amount in excess of the rate of basic pay of level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

ALLOWANCES AT REMOTE WORKSITES

SEC. 6. (a) Section 5942 of title 5, United States Code, is amended to read as follows:

"§ 5942. Allowance based on duty at remote worksites

"Notwithstanding section 5536 of this title, an employee of an Executive department or an independent establishment who is assigned to duty, except temporary duty, at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable degree of expense, hardship, and inconvenience, beyond that normally encountered in metropolitan commuting, on the part of the employee in commuting to and from his residence and such worksite, is entitled, in addition to pay otherwise due him, to an allowance of not to exceed $10 a day. The allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and defining and designating those sites, areas, and groups of positions to the which the rates apply.".

(b) Notwithstanding section 5536 of title 5, United States Code, and the amendment made by subsection (a) of this section, and until the effective date of regulations prescribed by the President under such amendment—

(1) allowances may be paid to employees under section 5942 of title 5, United States Code, and the regulations prescribed by

the President under such section, as in effect immediately prior to the effective date of this section; and

(2) such regulations may be amended or revoked in accordance with such section 5942 as in effect immediately prior to the effective date of this section.

(c) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by striking out:

"5942. Allowance based on duty on California offshore islands or at Nevada Test Site."

and inserting in lieu thereof:

"5942. Allowance based on duty at remote worksites.".

ALLOWANCES FOR EMPLOYEES ON FLOATING PLANT OPERATIONS

SEC. 7. (a) Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations

"(a) An employee of the Corps of Engineers, Department of the Army, engaged in floating plant operations may be furnished quarters or subsistence, or both, on vessels, without charge, when the furnishing of the quarters or subsistence, or both, is determined to be equitable to the employee concerned, and necessary in the public interest, in connection with such operations.

"(b) Notwithstanding section 5536 of this title, an employee entitled to the benefits of subsection (a) of this section while on a vessel, may be paid, in place of these benefits, an allowance for quarters or subsistence, or both, when—

"(1) adverse weather conditions or similar circumstances beyond the control of the employee or the Corps of Engineers prevent transportation of the employee from shore to the vessel; or

"(2) quarters or subsistence, or both, are not available on the vessel while it is undergoing repairs.

"(c) The quarters or subsistence, or both, or allowance in place thereof, may be furnished or paid only under regulations prescribed by the Secretary of the Army.".

(b) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by adding:

"5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations."

immediately below:

"5946. Membership fees; expenses of attendance at meetings; limitations.".

(c) The Act entitled "An Act to authorize the furnishing of subsistence and quarters without charge to employees of the Corps of Engineers engaged on floating plant operations", approved May 13, 1955 (69 Stat. 48; Public Law 35, Eighty-fourth Congress), is repealed.

RESTRICTIONS ON POSTAL SERVICE EMPLOYMENT OF RELATIVES

SEC. 8. (a) Section 410(b)(1) of title 39, United States Code, as enacted by section 2 of the Postal Reorganization Act (84 Stat. 725; Public Law 91–375), is amended—

(1) by inserting "section 3110 (restrictions on employment of relatives)," immediately before "section 3333"; and

(2) by striking out "except that not regulation" and inserting in lieu thereof "except that no regulation".

(b) The provisions of this section shall become effective on the effective date prescribed under section 15(a) of the Postal Reorganization Act for section 410 of title 39, United States Code, as enacted by that Act.

SUPERGRADES

SEC. 9. (a) Section 5108(c) of title 5, United States Code, is amended—

(1) in paragraph (8), by striking out the word "and" at the end thereof;

(2) in paragraph (9), by striking out the period at the end thereof and inserting in lieu of the period a semicolon and the word "and"; and

(3) by adding a new paragraph to read as follows:

"(10) the Chief Judge of the United States Tax Court, without regard to this chapter (except section 5114), may place a total of 5 positions in GS–16, 17, and 18.".

(b) Section 5108(a) of title 5, United States Code, is amended by striking out "2,734" and inserting in lieu thereof "2,754".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows:

In lieu of the amended title proposed by the Senate amendment, amend the title so as to read: "An Act to amend title 5, United States Code, to authorize the President to adjust the rates for the statutcry pay systems, to establish an Advisory Committee on Federal Pay, and for other purposes."

And the Senate agree to the same.

THADDEUS J. DULSKI,
DAVID N. HENDERSON,
ARNOLD OLSEN,
MORRIS K. UDALL,
ROBERT J. CORBETT,
DANIEL E. BUTTON,
Managers on the Part of the House.

GALE W. MCGEE,
RALPH YARBOROUGH,
JENNINGS RANDOLPH,
HIRAM L. FONG,
J. CALEB BOGGS,
Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13000) entitled "An Act to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes," submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendments struck out all of the House bill after the enacting clause and inserted a substitute text and provided a new title for the House bill.

With respect to the amendment of the Senate to the text of the House bill, the committee of conference recommends that the House recede from its disagreement to the amendment of the Senate with an amendment which is a substitute for both the text of the House bill and the text provided by the Senate amendment and that the Senate agree to the same.

With respect to the amendment of the Senate to the title of the House bill, the committee of conference recommends that the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment to such title set forth in the conference substitute which will reflect more accurately the provisions of the text of the conference substitute and that the Senate agree to the same.

Differences Between the Text of the House Bill and the Conference Substitute

Title

The first section of the House bill provides that the act may be cited as the "Federal Salary Comparability Act of 1969."

The conference substitute provides that the act may be cited as the "Federal Pay Comparability Act of 1970."

PAY COMPARABILITY

Policy

HOUSE BILL

Section 2 of the House bill restates the congressional policy provisions of section 5301 of title 5, United States Code, relating to pay comparability. Also, section 2 amends section 5302 to provide new procedure for implementing the new pay policy.

Subsection (a) of section 5301 of the House bill continues congressional policy that rates of pay for Federal statutory pay systems shall be based on the principles that—

- there be equal pay for substantially equal work;
- pay distinctions be maintained in keeping with work distinctions; and
- rates of pay be comparable, on a national basis, with private enterprise rates of pay for the same levels of work.

This restatement provides two minor changes in congressional policy from the policy under existing law.

First, the words "on a national basis" are included to remove any possible interpretation that would permit rates of pay under a statutory system to be fixed on an area basis.

Second, the specific requirement that the pay systems "be interrelated" was eliminated.

CONFERENCE SUBSTITUTE

Section 2(a) of the conference substitute amends section 5301 as did the House bill.

Subsection (a) of section 5301, as amended by the conference substitute, contains provisions similar to the House bill, but eliminates the two changes contained in the House bill. Thus, the conference substitute does not include the words "on a national basis", but does include the requirement that the pay systems "be interrelated."

HOUSE BILL

Subsection (b) of section 5301 of the House bill identifies the pay systems under the pay comparability principles and requires that the rates of pay of each system be adjusted annually under the principles of subsection (a) and the procedures prescribed in the bill.

The employees covered by the legislation are Federal employees under the General Schedule, employees in the postal field service, officers, staff officers and employees in the Foreign Service of the United States, and physicians, dentists, and nurses in the Department of Medicine and Surgery, Veterans' Administration.

CONFERENCE SUBSTITUTE

The conference substitute contains similar provisions in subsections (b) and (c) of section 5301, except that reference to the postal field service employees has been eliminated as such employees are now subject to the provisions of the Postal Reorganization Act, Public Law 91–375, approved August 12, 1970, and rates of pay for such employees will be fixed under collective bargaining procedures.

Section 2(b) of the conference substitute repeals section 5302 of title 5, United States Code, relating to the pay comparability procedure of existing law, and makes the necessary technical changes in the table of sections of subchapter I of chapter 53 of title 5, United States Code.

HOUSE BILL

The House bill, in section 2, amends such section 5302 to include the new procedures for fixing rates of pay under the comparability system.

CONFERENCE SUBSTITUTE

The new procedures in the conference substitute are provided under new sections 5305–5308 of title 5, United States Code, as added by section 3 of the conference substitute, which is explained hereinafter.

HOUSE BILL

Pay adjustments

Section 2 of the House bill amends section 5302 of title 5, United States Code, to provide a permanent method of adjusting the rates of pay of Federal employees who are paid under the statutory pay systems.

Subsections (a)–(e) of the new section 5302 establish a Federal Employee Salary Commission composed of eight members and three associate members, and prescribe the functions of the Commission. Four of the members, having a total of four votes, are to be designated by ranking Government officials and the other members, having a total of three votes, are to be designated by employee unions.

The primary function of the Commission is to carry out the principles of pay comparability under section 5301(a), and after consultation with representatives of such agencies and employee organizations as it determines appropriate, the Commission is required to—

- prescribe the comparability pay survey to be conducted by the Bureau of Labor Statistics;
- prepare the annual comparative statement of rates of pay based on the Bureau of Labor Statistics' survey;
- review all matters relating to pay comparability; and
- submit to Congress a report setting forth the pay comparability information, the specific rates of pay necessary to fulfill pay comparability, and any recommendations for new legislation the Commission may feel appropriate to achieve pay comparability.

The Commission is required to seek and give full recognition to the views of employee organizations in connection with its deliberations and determinations.

A member of the Federal Employee Salary Commission is authorized to seek arbitration when a member determines that the rates of pay proposed by the Commission are not in conformity with the comparability principles.

Subsection (f) of the House bill establishes a seven-member Federal Employee Salary Board of Arbitration with the sole function of determining whether the proposed rates of pay conform to the comparability principles, and if the proposed rates do not so conform, prescribe such new rates of pay as the Board determines necessary to conform with the comparability principles. The Board is to be composed of two members from the House, two from the Senate, one designated by the Chairman, Civil Service Commission, one by employee unions, and one by the Board.

Subsection (g) of the House bill requires the Commission to submit to Congress the first pay adjustment recommendations based on the 1969 Bureau of Labor Statistics survey by February 1, 1970, and annual pay recommendations by February 1 of each year thereafter.

Subsection (h) of the House bill provides that the rates of pay submitted to Congress shall become effective at the beginning of the first pay period commencing on or after the adoption by both Houses of Congress, within 60 days by a yea and nay vote, of a concurrent resolution approving such rates of pay. This subsection also authorizes the granting of retroactive pay adjustments, to correspond to adjustments initiated by the Commission, for employees whose rates of pay are fixed by administrative action.

Subsections (i)–(p) of the House bill provide the necessary provisions for administration of the Commission and the Board and implementation of the pay rates.

Subsection (q) of the House bill authorizes increases to be granted, retroactively effective, in the legislative and judicial branches, and by the Secretary of Agriculture with respect to the Agricultural Stabilization and Conservation County Committee employees, in amounts which are equal, insofar as practicable, to the increases in rates of pay which become effective under the provisions of section 5302.

Section 3 of the House bill makes the necessary technical adjustments in the table of contents of subchapter I of chapter 53 of title 5, United States Code, to conform with the adjustments made in the heading of section 5302 of title 5 by section 2 of the House bill.

CONFERENCE SUBSTITUTE

Section 3(a) of the conference substitute amends subchapter I of chapter 53 of title 5, United States Code, by adding new sections 5305–5308, providing a permanent method of adjusting the rates of pay of Federal employees who are paid under the statutory pay systems.

The most significant difference from the House provision is that the President is directed to make the annual adjustments in the rates of pay; whereas, under the House provisions, adjustments in the rates of pay would become effective only after approval by the Congress of adjustments recommended by the Federal Employee Salary Commission.

Section 5305 of the conference substitute prescribes the procedure for implementing the comparability pay principles under section 5301.

Subsection (a) of the new section 5305 requires the President to direct such agent as he considers appropriate to prepare and submit to him annually, after considering such views and recommendations as may be submitted under subsection (b) of this section, a report—

- that compares the rates of pay of the statutory pay systems for the same levels of work in private industry as determined on the basis of the annual survey that shall be conducted by the Bureau of Labor Statistics,
- that makes recommendations for appropriate adjustments in rates of pay, and
- that includes the views and recommendations submitted under subsection (b).

After considering the report of his agent and the recommendations of the Advisory Committee on Federal Pay, the President shall make such adjustments in the statutory pay systems as he determines necessary to carry out the comparability principles under section

5301. The adjustments will become effective as of the beginning of the first applicable pay period commencing on or after October 1 of the applicable year.

The President is required to transmit to Congress a report of the pay adjustments he makes, together with the reports submitted to him by his agent and the Advisory Committee on Federal Pay.

Subsection (b) requires the President's agent to establish a Federal Employees Pay Council, consisting of five members. The members are to be chosen from representatives of employee organizations representing employees under the three pay systems covered by section 5301, but no more than three members at any one time shall be from the same employee organization. They are to be selected with due consideration to such factors as the relative number of employees represented by the various organizations.

Members of the Council shall not be deemed to be employees of the Government of the United States and shall not receive pay by virtue of service with the Council.

The President's agent is required to provide for meetings with the Council, and to give thorough consideration to the views and recommendations of the Council, and to the views and recommendations of individual members of the Council, if any.

The views and recommendations may include the coverage of the annual survey to be conducted by the Bureau of Labor Statistics, including such matters as the occupations, establishment sizes, industries, and geographical areas to be surveyed, the process of comparing the rates of pay of a statutory pay system with the rates of pay for the same levels of work in private industry, and the adjustments in the rates of pay that should be made to achieve comparability.

In addition, the President's agent is required to give thorough consideration to the views and recommendations of employee organizations not represented by the Council, regarding the same matters which may be considered by the Council.

The views and recommendations submitted by the Council, by any member of the Council, and by employee organizations not represented by the Council, are to be included in the report of the agent to the President.

Subsection (e) of section 5305 of the conference substitute provides that if, because of a national emergency or economic conditions affecting the general welfare, the President in any year considers it inappropriate to make the pay comparability adjustments required by subsection (a), he shall prepare and submit to Congress before September 1 of that year such alternative plan for pay adjustments as he considers appropriate which are to be considered as being in lieu of the comparability pay adjustments required by subsection (a).

An alternate plan transmitted by the President becomes effective on the first day of the first applicable pay period commencing on or after October 1 of the applicable year, and continues in effect unless, prior to the end of the first period of 30 calendar days of continuous session of Congress after the date on which the alternate plan is transmitted, either House of Congress adopts a resolution disapproving the alternate plan.

Subsections (d)–(k) of section 5305 of the conference substitute prescribe the rules controlling the action in the Senate and the House of Representatives for consideration of a resolution disapproving an alternate plan. In general, the rules prescribed will guarantee a Member of Congress the right to have such a resolution acted upon by the Congress. It is provided that it shall be in order, by a highly privileged motion which is not debatable, to discharge the committee from further consideration of a resolution in the event the committee to which the resolution has been referred has not reported the resolution at the end of 10 calendar days after its introduction.

Subsection (l) provides that the rates of pay which become effective, either temporarily or permanently, under section 5305 are to be considered the rates of pay applicable to each employee or position.

Subsection (m) of section 5305 requires the President, in the event Congress disapproves the alternate plan, to make the comparable pay adjustments required by subsection (a). Such comparability adjustments will become effective as of the beginning of the first applicable pay period commencing on or after the date on which the disapproving resolution is adopted, or on or after October 1, whichever is later.

Subsection (n) provides that the rates of pay that become effective under section 5305 shall modify, supersede, or render inapplicable prior pay adjustments under provisions of law or prior recommendations and pay adjustments that have the effect of law.

Subsection (o) requires that the rates of pay that take effect under section 5305 shall be printed in the Federal Register and the Code of Federal Regulations.

Subsection (p) makes it clear that increases in rates of pay under section 5305 are not to be considered an equivalent increase in pay under section 5335 of title 5, United States Code, relating to periodic step increases for General Schedule employees.

Subsection (q) authorizes the President to prescribe conversion rules for pay adjustments that become effective under the provisions of section 5305.

Subsection (r) provides that the provisions for automatic pay adjustments of section 5305 will not impair any authority pursuant to which rates of pay may be fixed by administrative action.

Advisory Committee on Federal Pay

CONFERENCE SUBSTITUTE

Subsection (a) of section 5306 of the conference substitute establishes an Advisory Committee on Federal Pay as an independent establishment in the executive branch to be composed of three presidential appointees not otherwise employed in the Government of the United States. Recommendations for such appointees are to be made by the Federal Mediation and Conciliation Service and may be made by other interested parties. It is anticipated that such appointees will be persons generally recognized for their impartiality, knowledge, and experience in the field of labor relations and pay policies. The appointees shall serve for 6-year terms.

Subsection (b) requires the Advisory Committee on Federal Pay to—

- review the annual report submitted to the President by his agent;
- consider such further views and recommendations, with respect to proposals in the annual report submitted by the agent to the President, as may be presented to the Committee in writing by employee organizations, the President's agent, other officials of the Government, and such experts as the Committee may consult; and
- report its findings and recommendations to the President.

Subsections (c)–(h) contain the usual administrative provisions for operation of the Committee.

Subsection (g) establishes the rates of pay for each member of the Committee at the daily equivalent of level IV of the Executive Schedule (now $38,000) for each day he is engaged in work of the Committee, and entitles each member to travel expenses, including per diem allowance, in accordance with the provisions of section 5703(b) of title 5, United States Code.

Pay Fixed by Administrative Action

CONFERENCE SUBSTITUTE

The primary purpose of section 5307(a) of the conference substitute is to authorize administrative pay-fixing authorities to make adjustments in rates of pay, minimum or maximum rates of pay, and pay limitations or allowances, without regard to the antideficiency appropriation provisions of 31 U.S.C. 665, which prohibit administrative action from being taken to incur an obligation of funds in excess of the amount of funds available to cover the obligation. There are two principal features of section 5307(a).

Pay adjustments

The first feature of section 5307(a) is that it authorizes adjustments to be made in the rates of pay of employees of the legislative, judicial, and executive branches of the Government of the United States and of the government of the District of Columbia (except employees whose pay is disbursed by the Secretary of the Senate or the Clerk of the House) whose rates of pay are fixed by administrative action pursuant to law, and are not otherwise adjusted by the President under section 5305 of title 5, United States Code, as enacted by the conference substitute.

Authority is included for the adjustment of rates of pay of certain employees under the Architect of the Capitol whose rates of pay are fixed by 40 U.S.C. 166b–3, of the Superintendent of the House garages, and of persons employed by the Agricultural Stabilization and Conservation County Committees.

Wage board employees whose rates are fixed in accordance with prevailing local practices are specifically excluded under subsection (c).

It is to be emphasized that these provisions "authorize" adjustments in rates of pay. The actual decision of whether a pay adjustment will be made is within the discretion of the appropriate official.

The pay adjustments are not to exceed the pay adjustment under section 5305 for corresponding rates of pay or, when there are no

corresponding rates of pay, the adjustments are not to exceed an amount equal or equivalent, insofar as practicable, to the amount of the adjustment under section 5305. The adjustments, however, may be less than the adjustments made by the President under section 5305.

The provisions of section 5307(a) are general in nature and all inclusive insofar as applicable administrative pay-fixing authorities are concerned, except as to certain employees of the Senate and the House of Representatives and wage board employees. Similar provisions in prior pay legislation were general in nature and, in addition, contained authorizations relating to specific administrative pay-fixing authorities.

To illustrate, section 211 of the Federal Salary Act of 1967, Public Law 90–206, included a specific authorization under subsection (a) to adjust the rates of pay of U.S. Attorneys and Assistant U.S. Attorneys whose salaries are fixed by administrative action of the Attorney General under 28 U.S.C. 548.

In addition, subsection (b) of section 211 contained general authorization for administrative pay-fixing authority.

Also, section 213 of the Federal Salary Act of 1967 identified several groups of employees of the judicial branch whose rates of pay are fixed by administrative action, such as referees in bankruptcy and law clerks.

The provisions of section 5307(a) of the conference substitute are intended to have general application covering all the applicable administrative pay-fixing authorities, with the exceptions noted above, including those specific authorities which were identified in former pay legislation.

Minimum or maximum rates of pay, limitations, or allowances

The second feature of section 5307(a) of the conference substitute is that it authorizes adjustments to be made in a minimum or maximum rate of pay, and in a pay limitation or allowance applicable to employees covered by section 5307.

It is intended that the authority of these provisions be used to make appropriate adjustments in minimum or maximum rates of pay or allowances affecting employees of the legislative, judicial, and executive branches, whose pay is fixed by administrative action, subject to the exceptions noted above. To illustrate, adjustments are authorized in the pay limitation under 28 U.S.C. 753(e) on the pay of court reporters.

Subsection (b) of section 5307 permits the adjustments in rates of pay, minimum or maximum rates of pay, limitations, or allowances under subsection (a) to be made in such manner as the appropriate authority considers advisable.

Subsections (c) and (d) provide that the authority of section 5307 does not apply to employees whose rates are fixed under the wage board system, and does not impair the authority to adjust rates of pay which may be fixed by administrative action.

Pay limitation

Section 5308 of the conference substitute provides that an employee whose rate of pay is adjusted under the provisions of sections 5301–5307 may not be paid at a rate in excess of the rate of pay for level V of the Executive Schedule (now $36,000).

Miscellaneous

CONFERENCE SUBSTITUTE

Subsection (b) of section 3 of the conference substitute makes the necessary technical conforming changes in the table of sections of subchapter I of chapter 53 of title 5, United States Code.

Subsection (c) of section 3 of the conference substitute authorizes the President to make the initial adjustment under the new provisions without regard to the provisions relating to the Advisory Committee on Federal Pay, since there will not be adequate time to process the initial adjustment through the Committee procedure.

The subsection also provides that the initial adjustment and the adjustment based on the 1971 Bureau of Labor Statistics survey shall become effective on the first day of the first applicable pay period commencing on or after January 1, 1971, and January 1, 1972, respectively.

This subsection also designates the President's agent, for the purpose of the 1971 and 1972 adjustments, as the Director, Office of Management and Budget, and the Chairman of the Civil Service Commission.

In addition, subsection (c) provides that adjustments by the President under subchapter I shall not apply to employees of the Post Office Department whose basic pay is fixed under the General Schedule. The rates of pay of such employees were increased April 16, 1970, by the Postmaster General under authority of section 9 of the Postal Reorganization Act (Public Law 91–375). Hereafter such employees will have their rates of basic pay adjusted under the provisions of the Postal Reorganization Act.

Legislative Pay

HOUSE BILL

The House bill included provisions in subsection (q) of section 5302 authorizing adjustments in the rates of pay of certain employees of the legislative branch, and adjustments in any minimum or maximum rate, limitation, or allowance, applicable to such personnel.

CONFERENCE SUBSTITUTE

Section 4 of the conference substitute provides that each time the President adjusts rates of pay under section 5305 of title 5, United States Code, the rates of pay of personnel whose pay is disbursed by the Secretary of the Senate and any minimum or maximum rate, limitation, or allowance applicable to such personnel shall be adjusted by the President pro tem of the Senate in such manner as he considers advisable. No rate shall be adjusted to an amount in excess of the rate of basic pay for level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

Section 5 of the conference substitute contains authority for adjustments relating to certain employees of the House of Representatives.

Whenever a pay adjustment is made by the President under section 5305 of title 5, United States Code, the Clerk of the House is authorized, in such manner as he considers advisable, to adjust each minimum and maximum rate of pay applicable to any employee or class of employees whose pay is disbursed by the Clerk of the House, other than a maximum rate equal to or greater than the maximum rate currently

being paid under GS–18 as a result of the pay adjustment. Also, the Clerk is authorized to adjust each monetary limitation on, or monetary allowance for, pay applicable to such employee. This provision specifically includes authority to adjust the clerk-hire allowance for each Member of the House of Representatives and the Resident Commissioner from Puerto Rico, and the allowanec for additional office personnel in the offices of the Speaker, the majority leader, the minority leader, the majority whip and the minority whip. The adjustments are to be in an amount rounded out to the nearest $100 and computed on the basis of a percentage equal or equivalent to, insofar as practicable and with such variations as the Clerk considers appropriate, to the percentage of the pay adjustment made by the President.

The Clerk of the House is authorized to determine with respect to the employees covered by this section, the respective amounts of pay adjustments which are equal or equivalent to corresponding increases in pay, as determined by the Clerk, made by the pay adjustments made by the President. The Clerk is required to transmit such information to the appropriate House of Representatives pay-fixing authority concerned.

The pay-fixing authority concerned is authorized to adjust the rates of pay of employees under his jurisdiction in such amounts as he considers appropriate, subject to the limitations prescribed and subject to the usual procedures that may be required by the Clerk of the House under section 472(d) of the Legislative Reorganization Act of 1970, Public Law 91–510.

Illustration of pay-fixing authorities in the House are, a Member for employees in the office of a Member, the chairman of the committee for employees of a committee, and the House Administration Committee for employees under the House Employees Schedule. The decision as to whether any pay adjustment is to be made, and the amount of pay adjustment, is entirely within the discretion of the pay-fixing authority.

Subsection (c) of section 5 provides that the authority under this section does not impair any authority pursuant to which rates of pay may be fixed by administrative action. Subsection (d) specifically excludes wage board employees such as employees under the House Wage Schedule.

Subsection (e) places a ceiling on the amount of any increase under this particular section to the rate of basic pay of level V of the Executive Schedule which currently is $36,000.

The provisions of section 5 do not apply to officers of the House of Representatives (Clerk, Sergeant at Arms, Doorkeeper, Chaplain, and Postmaster), because the rates of pay of the officers are not fixed by administrative action, but are fixed by House resolutions, in some cases, or by the directive issued by the Speaker of the House on June 11, 1968 (2 U.S.C. 60a, note), which has the force and effect of law under section 212 of the Federal Salary Act of 1967 (Public Law 90–206).

Finally, the provisions of section 5 do not apply to those employees of the House of Representatives whose specific rate of pay is fixed by House resolution, such as minority floor assistants, under H. Res. 502, August 6, 1969; reporters of debates, under H. Res. 1055, October 19, 1966, and H. Res. 995, October 10, 1968; and reporters to committees, under H. Res. 533, June 8, 1956, H. Res. 335, August 18, 1959, and H. Res. 995, October 10, 1968.

Postal Employee Fringe Benefits

HOUSE BILL

Section 4 of the House bill revises provisions of law relating to automatic step advancements for postal employees to permit the employees to reach the top pay step in 8 years instead of the present 21 years.

Section 5 of the House bill provides for a two-step within grade adjustment for postal employees in levels 1 through 11, effective October 1, 1969, and authorizes employees in levels 12 or above to receive a step increase on or after July 1, 1970.

CONFERENCE SUBSTITUTE

The conference substitute does not include comparable provisions as such matters are now covered by the provisions of the Postal Reorganization Act, Public Law 91–375, approved August 12, 1970.

MISCELLANEOUS FRINGE BENEFITS

Premium pay

Section 6 of the House bill amends section 5545(c)(2) of title 5, United States Code, to authorize premium pay for certain employees for Sunday, night, holiday, and overtime work. This provision applies primarily to border patrolmen, Deputy U.S. Marshals, Customs and Internal Revenue personnel, and the Federal Bureau of Investigation.

The conference substitute does not include a comparable provision as similar provisions were included under section 8, Public Law 91–231.

Allowances at remote worksites

Section 7 of the House bill amends section 5942 of title 5, United States Code, to authorize an allowance, not to exceed $10 per day, at remote worksites in order to defray expenses of civilian employees assigned to duty at remote worksites.

Section 6 of the conference substitute includes comparable provisions, but requires that such expenses (including hardship and inconvenience) be above expenses normally encountered in metropolitan commuting.

Allowances for floating plant operations

Section 8 of the House bill adds a new section 5947 to title 5, United States Code, authorizing an additional allowance for employees in the Corps of Engineers engaged in floating plant operations when the employees are prevented from boarding the vessel under circumstances beyond their control, such as hazardous weather conditions or while the vessel is in a shipyard for repairs.

Section 7 of the conference substitute contains a comparable provision.

Nepotism in Postal Service

The House bill does not contain a provision on this subject.

Section 8 of the conference substitute amends section 410(b)(1) of title 39, United States Code, as enacted by section 2 of the Postal Reorganization Act (Public Law 91–375), to extend the nepotism provisions of section 3110 of title 5, United States Code, to the new United States Postal Service. Section 3110, in general, prohibits a

public official from appointing or advocating the appointment of any individual who is a relative of the public official.

Section 8 also corrects an error in such section 410(b)(1) by striking out the word "not" and inserting the word "no" in lieu thereof.

Supergrades

The House bill contains no provision on this subject.

Section 9(a) of the conference substitute amends section 5108(c) of title 5, United States Code, by adding a new paragraph (10) to authorize the Chief Judge of the U.S. Tax Court to place a total of 5 positions in GS–16, 17, and 18, without prior approval of the Civil Service Commission. The Tax Reform Act of 1969 (Public Law 91–172) eliminated the Tax Court of the United States as an independent agency in the executive branch and established a new U.S. Tax Court as a court of record under article I of the Constitution.

Since the Tax Court has been taken out of the executive branch of the Government, the U.S. Civil Service Commission has not allocated any additional supergrades to the Court on the basis that the Court should have its own quota of GS–16, 17, and 18 positions as is the case for several other agencies not under the control of the executive branch, such as the Comptroller General, the Director of the Administrative Office of the U.S. Courts, and the Library of Congress.

Section 9(b) authorizes 20 additional positions in grades GS–16, GS–17, and GS–18 for allocation by the Civil Service Commission among departments and agencies in the executive branch in accordance with procedures established and administered by the Commission under section 5108 of title 5, United States Code. The total number of positions now authorized is 2,734 and this section will increase the total to 2,754. By letter dated December 7, 1970, the Chairman of the Civil Service Commission advised that a minimum of 30 new positions is required to meet new critical needs occasioned by new organizations and functions in the executive branch. Specific mention was made of the needs for additional positions in these grades in the Environmental Planning Agency, the Office of Telecommunications Policy, the National Oceanographic and Atmospheric Administration and the Inter-American Social Development Institute.

AMENDMENT TO THE TITLE

The title of the House bill reads:

"An act to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.".

The conference substitute, in order to reflect the new provisions of the substitute, amends the title to read:

"An act to amend title 5, United States Code, to authorize the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Pay, and for other purposes.".

THADDEUS J. DULSKI,
DAVID N. HENDERSON,
ARNOLD OLSEN,
MORRIS K. UDALL,
ROBERT J. CORBETT,
DANIEL E. BUTTON,

Managers on the Part of the House.

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The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 19590, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. MAHON, SIKES, WHITTEN, ANDREWS of Alabama, FLOOD, SLACK, ADDABBO, MINSHALL, RHODES, DAVIS of Wisconsin, WYMAN, and BOW.

CONSUMER CLASS ACTION LEGISLATION

(Mr. ECKHARDT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ECKHARDT. Mr. Speaker, this is now the fifth day since I wrote the President an urgent letter concerning the Republican minority's casting the block votes on the Interstate and Foreign Commerce Committee that prevents the consumer class action legislation from reaching the floor of the House. Though I have called my letter to the attention of the White House staff and have stressed its immediacy, I have not received a reply, even so much as an acknowledgement of receipt.

I sent the letter to the White House last Friday by a member of my staff, acting as a special messenger, because I thought, and still think, that it is of the utmost importance that consumer concerns be treated in this session of Congress. I am afraid that the President and his party have even now made this impossible. It was not impossible at the time I wrote my letter.

CONFERENCE REPORT ON H.R. 13000, FEDERAL EMPLOYEE PAY COMPARABILITY SYSTEM

Mr. DULSKI submitted the following conference report and statement on the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–1685)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Pay Comparability Act of 1970".

RESTATEMENT OF CONGRESSIONAL POLICY ON FEDERAL PAY COMPARABILITY

SEC. 2. (a) Section 5301 of title 5, United States Code, is amended to read as follows:

"§ 5301. Policy

"(a) It is the policy of Congress that Federal pay fixing for employees under statutory pay systems be based on the principles that—

"(1) there be equal pay for substantially equal work;

"(2) pay distinctions be maintained in keeping with work and performance distinctions;

"(3) Federal pay rates be comparable with private enterprise pay rates for the same levels of work; and

"(4) pay levels for the statutory pay systems be interrelated.

"(b) The pay rates of each statutory pay system shall be fixed and adjusted in accordance with the principles under subsection (a) of this section and the provisions of sections 5305, 5306, and 5308 of this title.

"(c) For the purpose of this subchapter, 'statutory pay system' means a pay system under—

"(1) subchapter III of this chapter, relating to the General Schedule;

"(2) subchapter IV of chapter 14 of title 22, relating to the Foreign Service of the United States; or

"(3) chapter 73 of title 38, relating to the Department of Medicine and Surgery, Veterans' Administration.".

(b) (1) Section 5302 of title 5, United States Code, is repealed.

(2) The table of sections of subchapter I of chapter 53 of title 5, United States Code, is amended by striking out:

"5302. Annual reports on pay comparability.".

ANNUAL PAY REPORTS AND ADJUSTMENTS; ADVISORY COMMITTEE ON FEDERAL PAY; RELATED PROVISIONS

SEC. 3. (a) Subchapter I of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following:

"§ 5305. Annual pay reports and adjustments

"(a) In order to carry out the policy stated in section 5301 of this title, the President shall—

"(1) direct such agent as he considers appropriate to prepare and submit to him annually, after considering such views and recommendations as may be submitted under the provisions of subsection (b) of this section, a report that—

"(A) compares the rates of pay of the statutory pay systems with the rates of pay for the same levels of work in private enterprise as determined on the basis of appropriate annual surveys that shall be conducted by the Bureau of Labor Statistics;

"(B) makes recommendations for appropriate adjustments in rates of pay; and

"(C) includes the views and recommendations submitted under the provisions of subsection (b) of this section;

"(2) after considering the report of his agent and the findings and recommendations of the Advisory Committee on Federal Pay reported to him under section 5306(b)(3) of this title, adjust the rates of pay of each statutory pay system in accordance with the principles under section 5301(a) of this title, effective as of the beginning of the first applicable pay period commencing on or after October 1 of the applicable year; and

"(3) transmit to Congress a report of the pay adjustment, together with a copy of the report submitted to him by his agent and the findings and recommendations of the Advisory Committee on Federal Pay reported to him under section 5306(b)(3) of this title.

"(b) In carrying out its functions under subsection (a)(1) of this section, the President's agent shall—

"(1) establish a Federal Employees Pay Council of 5 members who shall not be deemed to be employees of the Government of the United States by reason of appointment to the Council and shall not receive pay by reason of service as members of the Council, who shall be representatives of employee organizations which represent substantial numbers of employees under the statutory pay systems, and who shall be selected with due consideration to such factors as the relative numbers of employees represented by the various organizations, but no more than 3 members of the Council at any one time shall be from a single employee organization, council, federation, alliance, association, or affiliation of employee organizations;

"(2) provide for meetings with the Federal Employees Pay Council and give thorough consideration to the views and recommendations of the Council and the individual views and recommendations, if any, of the members of the Council regarding—

"(A) the coverage of the annual survey conducted by the Bureau of Labor Statistics under subsection (a)(1) of this section (including, but not limited to, the occupations, establishment sizes, industries, and geographical areas to be surveyed);

"(B) the process of comparing the rates of pay of the statutory pay systems with rates of pay for the same levels of work in private enterprise; and

"(C) the adjustments in the rates of pay of the statutory pay systems that should be made to achieve comparability between those rates and the rates of pay for the same levels of work in private enterprise;

"(3) give thorough consideration to the views and recommendations of employee organizations not represented on the Federal Employees Pay Council regarding the subjects in paragraph (2)(A)–(C) of this subsection; and

"(4) include in its report to the President the views and recommendations submitted as provided in this subsection by the Federal Employees Pay Council, by any member of that Council, and by employee organizations not represented on that Council.

"(c)(1) If, because of national emergency or economic conditions affecting the general welfare, the President should, in any year, consider it inappropriate to make the pay adjustment required by subsection (a) of this section, he shall prepare and transmit to Congress before September 1 of that year such alternative plan with respect to a pay adjustment as he considers appropriate, together with the reasons therefor, in lieu of the pay adjustments required by subsection (a) of this section.

"(2) An alternative plan transmitted by the President under paragraph (1) of this subsection becomes effective on the first day of the first applicable pay period commencing on or after October 1 of the applicable year and continues in effect unless, before the end of the first period of 30 calendar days of continuous session of Congress after the date on which the alternative plan is transmitted, either House adopts a resolution disapproving the alternative plan so recommended and submitted, in which case the pay adjustments for the statutory pay systems shall be made effective as provided by subsection (m) of this section. The continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 30-day period.

"(d) Subsections (e)-(k) of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(e) If the committee, to which has been referred a resolution disapproving the alternative plan of the President, has not reported the resolution at the end of 10 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the same plan which has been referred to the committee.

"(f) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same recommendation), and debate thereon is limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(g) If the motion to discharge is agreed to, or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same alternative plan.

"(h) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to an alternative plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(i) Debate on the resolution is limited to not more than 2 hours, to be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(j) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to an alternative plan, and motions to proceed to the consideration of other business, are decided without debate.

"(k) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to an alternative plan are decided without debate.

"(l) The rates of pay which become effective under this section are the rates of pay applicable to each position concerned, and each class of positions concerned, under a statutory pay system.

"(m) If either House adopts a resolution disapproving an alternative plan submitted under subsection (c) of this section, the President shall take the action required by paragraphs (2) and (3) of subsection (a) of this section and adjust the rates of pay of the statutory pay systems effective as of the beginning of the first applicable pay period commencing on or after the date on which the resolution is adopted, or on or after October 1, whichever is later.

"(n) The rates of pay that take effect under this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

"(1) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of the increases; and

"(2) any prior recommendations or adjustments which took effect under this section or prior provisions of law.

"(o) The rates of pay that take effect under this section shall be printed in the Federal Register and the Code of Federal Regulations.

"(p) An increase in rates of pay that takes effect under this section is not an equivalent increase in pay within the meaning of section 5335 of this title.

"(q) Any rate of pay under this section shall be initially adjusted, effective on the effective date of the rate of pay, under conversion rules prescribed by the President or by such agencies as the President may designate.

"(r) This section does not impair any authority pursuant to which rates of pay may be fixed by administrative action.

"§ 5306. Advisory Committee on Federal Pay

"(a) There is established as an independent establishment an Advisory Committee on Federal Pay, to be composed of 3 members, not otherwise employed in the Government of the United States, appointed by the President. The Director of the Federal Mediation and Conciliation Service shall, and other interested parties may, recommend to the President for his consideration persons generally recognized for their impartiality, knowledge, and experience in the field of labor relations and pay policy to serve as members. The President shall designate one of the members as Chairman. Each appointment shall be for a term of 6 years, except that one of the original members shall be appointed for a term of 2 years, and another for a term of 4 years. A member appointed to fill a vacancy occurring before the end of the term of his predecessor shall serve for the remainder of that term. When the term of a member ends, he may continue to serve until his successor is appointed.

"(b) To assist the President in carrying out the policy under section 5301 of this title, the Committee shall—

"(1) review the annual report of the President's agent;

"(2) consider such further views and recommendations with respect to the analysis and pay proposals contained in the annual report of the President's agent as may be presented to it in writing by employee organizations, the President's agent, other officials of the Government of the United States, and such experts as it may consult; and

"(3) report its findings and recommendations to the President.

"(c) The Committee may secure from any Executive agency or military department information, suggestions, estimates, statistics, and technical assistance for the purpose of carrying out its functions. Each such Executive agency or military department shall furnish the information, suggestions, estimates, statistics, and technical assistance directly to the Committee on request of the Committee.

"(d) On request of the Committee the head of any Executive agency or military department may detail, on a reimbursable basis, any of its personnel to assist the Committee in carrying out its functions.

"(e) The Administrator of General Services shall provide administrative support services for the Committee on a reimbursable basis.

"(f) The Committee may obtain services of experts or consultants in accordance with section 3109 of this title but at rates for individuals not to exceed that of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of this chapter.

"(g) Each member of the Committee is entitled to pay at the daily equivalent of the annual rate of basic pay of level IV of the Executive Schedule for each day he is engaged on work of the Committee, and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703(b) of this title.

"(h) The Committee may appoint and fix the pay of such personnel as may be necessary to carry out its functions.

"§ 5307. Pay fixed by administrative action

"(a) Notwithstanding section 665 of title 31—

"(1) the rates of pay of—

"(A) employees in the legislative, executive, and judicial branches of the Government of the United States (except employees whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) and of the government of the District of Columbia, whose rates of pay are fixed by administrative action under law and are not otherwise adjusted under this subchapter;

"(B) employees under the Architect of the Capitol, whose rates of pay are fixed under section 166b–3 of title 40, and the Superintendent of Garages, House office buildings; and

"(C) persons employed by the county committees established under section 590h(b) of title 16; and

"(2) any minimum or maximum rate of pay (other than a maximum rate equal to or greater than the maximum rate then currently being paid under the General Schedule as a result of the pay adjustment by the President), and any monetary limitation on or monetary allowance for pay, applicable to employees described in subparagraphs (A), (B), and (C) of paragraph (1) of this subsection;

may be adjusted by the appropriate authority concerned, effective at the beginning of the first applicable pay period commencing on or after the day on which a pay adjustment becomes effective under section 5305 of this title, by whichever of the following methods the appropriate authority concerned considers appropriate—

"(i) by an amount or amounts not in excess of the pay adjustment provided under section 5305 of this title for corresponding rates of pay in the appropriate schedule or scale of pay;

"(ii) if there are no corresponding rates of pay, by an amount or amounts equal or equivalent, insofar as practicable and with such exceptions and modifications as may be necessary to provide for appropriate pay relationships between positions, to the amount of the pay adjustment provided under section 5305 of this title; or

"(iii) in the case of minimum or maximum rates of pay, or monetary limitations or allowances with respect to pay, by an amount rounded to the nearest $100 and computed on the basis of a percentage equal or equivalent, insofar as practicable and with such variations as may be appropriate, to the percentage of the pay adjustment provided under section 5305 of this title.

"(b) An adjustment under subsection (a) of this section in rates of pay, minimum or maximum rates of pay, and monetary limitations or allowances with respect to pay, shall be made in such manner as the appropriate authority concerned considers appropriate.

"(c) This section does not authorize any adjustment in the rates of pay of employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent

with the public interest in accordance with prevailing rates or practices.

"(d) This section does not impair any authority under which rates of pay may be fixed by administrative action.

"§ 5308. Pay limitation.

"Pay may not be paid, by reason of any provision of this subchapter, at a rate in excess of the rate of basic pay for level V of the Executive Schedule.".

(b) The table of sections of subchapter I of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following:

"5305. Annual pay reports and adjustments.
"5306. Advisory Committee on Federal Pay.
"5307. Pay fixed by administrative action.
"5308. Pay limitation.".

(c) The President may make the initial adjustment required by subchapter I of chapter 53 of title 5, United States Code, as amended by this Act, without regard to the provisions of such subchapter relating to the Advisory Committee on Federal Pay and the Federal Employees Pay Council. Notwithstanding any provision of such subchapter I prescribing an effective date of October 1 for any pay adjustment made by the President, the initial adjustment based on the 1970 Bureau of Labor Statistics survey and the adjustment based on the 1971 Bureau of Labor Statistics survey shall become effective on the first day of the first applicable pay period that begins on or after January 1, 1971, and January 1, 1972, respectively. Notwithstanding the provisions of such subchapter I, the President's agent for purposes of the 1971 and 1972 adjustments shall be the Director, Office of Management and Budget and the Chairman, United States Civil Service Commission. Adjustments under the provisions of such subchapter I shall not apply to employees of the Post Office Department whose basic pay is fixed under the General Schedule.

SENATE PAY ADJUSTMENTS

SEC. 4. (a) Each time the President adjusts the rates of pay of employees under section 5305 of title 5, United States Code, the President pro tempore of the Senate shall, as he considers appropriate—

(1) (A) adjust the rates of pay of personnel whose pay is disbursed by the Secretary of the Senate, and any minimum or maximum rate applicable to any such personnel; or

(B) in the case of such personnel whose rates of pay are fixed by or pursuant to law at specific rates, adjust such rates (including the adjustment of such specific rates to the maximum pay rates) and, in the case of all other personnel whose pay is disbursed by the Secretary of the Senate, adjust only the minimum or maximum rates applicable to such other personnel; and

(2) adjust any limitation or allowance applicable to such personnel;

by percentages which are equal or equivalent, insofar as practicable and with such exceptions as may be necessary to provide for appropriate pay relationships between positions, to the percentages of the adjustments made by the President under such section 5305 for corresponding rates of pay for employees subject to the General Schedule contained in section 5332 of such title. Such rates, limitations, and allowances adjusted by the President pro tempore shall become effective on the first day of the first pay period which begins on or after the day on which any adjustment becomes effective under such section 5305 or section 3(c) of this Act.

(b) The adjustments made by the President pro tempore shall be made in such manner as he considers advisable and shall have the force and effect of law.

(c) Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(d) No rate of pay shall be adjusted under the provisions of this section to an amount in excess of the rate of basic pay for level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

(e) For purposes of this section, the term "personnel" does not include any Senator.

PAY ADJUSTMENTS IN THE HOUSE OF REPRESENTATIVES

SEC. 5. (a) Whenever a pay adjustment by the President under section 5305 of title 5, United States Code, is made effective pursuant to subsection (a)(2), or subsections (c) to (m), inclusive, as the case may be, of such section 5305, or section 3(c) of this Act, then the Clerk of the House of Representatives, in such manner as he considers advisable—

(1) effective at the beginning of the first pay period commencing on or after the day on which such pay adjustment by the President is made effective as described above, shall adjust—

(A) each minimum and maximum rate of pay applicable to any employee or class of employees whose pay is disbursed by the Clerk of the House (other than a maximum rate equal to or greater than the maximum rate then currently being paid under the General Schedule of section 5332 of title 5, United States Code, as a result of such pay adjustment by the President); and

(B) each monetary limitation on or monetary allowance for pay applicable to any such employee or class of employees, including but not limited to—

(i) the clerk hire allowance for each Member of the House of Representatives and the Resident Commissioner from Puerto Rico; and

(ii) the allowances for additional office personnel in the offices of the Speaker, the majority leader, the minority leader, the majority whip, and the minority whip, of the House of Representatives;

by an amount rounded to the nearest $100 and computed on the basis of a percentage equal or equivalent, insofar as practicable and with such variations as the Clerk considers appropriate, to the percentage of the pay adjustment made by the President;

(2) shall determine, with respect to the employees and classes of employees within the purview of this section whose pay is disbursed by the Clerk, the respective amounts of pay adjustments which are equal, or equivalent, insofar as practicable and with such exceptions and modifications as may be necessary to provide for appropriate pay relationships between positions, to corresponding increases in pay, as determined by the Clerk, made by the pay adjustment by the President; and

(3) shall transmit to the appropriate pay-fixing authority concerned in the House of Representatives a copy of his determinations with respect to the pay of those employees whose pay is fixed and adjusted by that authority.

(b) After consideration of the pay determinations transmitted by the Clerk of the House, the pay-fixing authority concerned may adjust, notwithstanding the provisions contained in section 665 of title 31, United States Code, the rates of pay concerned in such manner as that authority considers appropriate.

(c) Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(d) This section shall not be deemed to authorize any adjustment in the rates of pay of employees whose rates of pay are disbursed by the Clerk of the House of Representatives and are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices, including employees subject to the House Wage Schedule.

(e) No rate of pay shall be adjusted under this section to an amount in excess of the rate of basic pay of level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

ALLOWANCES AT REMOTE WORKSITES

SEC. 6. (a) Section 5942 of title 5, United States Code, is amended to read as follows:

"§ 5942. Allowance based on duty at remote worksites

"Notwithstanding section 5536 of this title, an employee of an Executive department or an independent establishment who is assigned to duty, except temporary duty, at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable degree of expense, hardship, and inconvenience, beyond that normally encountered in metropolitan commuting, on the part of the employee in commuting to and from his residence and such worksite, is entitled, in addition to pay otherwise due him, to an allowance of not to exceed $10 a day. The allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and defining and designating those sites, areas, and groups of positions to which the rates apply.".

(b) Notwithstanding section 5536 of title 5, United States Code, and the amendment made by subsection (a) of this section, and until the effective date of regulations prescribed by the President under such amendment—

(1) allowances may be paid to employees under section 5942 of title 5, United States Code, and the regulations prescribed by the President under such section, as in effect immediately prior to the effective date of this section; and

(2) such regulations may be amended or revoked in accordance with such section 5942 as in effect immediately prior to the effective date of this section.

(c) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by striking out:

"5942. Allowance based on duty on California offshore islands or at Nevada Test Site."

and inserting in lieu thereof:

"5942. Allowance based on duty at remote worksites.".

ALLOWANCES FOR EMPLOYEES ON FLOATING PLANT OPERATIONS

SEC. 7. (a) Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations

"(a) An employee of the Corps of Engineers, Department of the Army, engaged in floating plant operations may be furnished quarters or subsistence, or both, on vessels, without charge, when the furnishing of the quarters or subsistence, or both, is determined to be equitable to the employee concerned, and necessary in the public interest, in connection with such operations.

"(b) Notwithstanding section 5536 of this title, an employee entitled to the benefits of subsection (a) of this section while on a vessel, may be paid, in place of these benefits, an allowance for quarters of subsistence, or both, when—

"(1) adverse weather conditions or similar circumstances beyond the control of the employee or the Corps of Engineers prevent transportation of the employee from shore to the vessel; or

"(2) quarters or subsistence, or both, are not available on the vessel while it is undergoing repairs.

"(c) The quarters or subsistence, or both, or allowance in place thereof, may be fur-

nished or paid only under regulations prescribed by the Secretary of the Army."

(b) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by adding:

"5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations."

immediately below:

"5946. Membership fees; expenses of attendance at meetings; limitations.".

(c) The Act entitled "An Act to authorize the furnishing of subsistence and quarters without charge to employees of the Corps of Engineers engaged on floating plant operations", approved May 13, 1955 (69 Stat. 48; Public Law 35, Eighty-fourth Congress), is repealed.

RESTRICTIONS ON POSTAL SERVICE EMPLOYMENT OF RELATIVES

SEC. 8. (a) Section 410(b)(1) of title 39, United States Code, as enacted by section 2 of the Postal Reorganization Act (84 Stat. 725; Public Law 91-375), is amended—

(1) by inserting "section 3110 (restrictions on employment of relatives)," immediately before "section 3333"; and

(2) by striking out "except that not regulation" and inserting in lieu thereof "except that no regulation".

(b) The provisions of this section shall become effective on the effective date prescribed under section 15(a) of the Postal Reorganization Act for section 410 of title 39, United States Code, as enacted by that Act.

SUPERGRADES

SEC. 9. (a) Section 5108(c) of title 5, United States Code, is amended—

(1) in paragraph (8), by striking out the word "and" at the end thereof;

(2) in paragraph (9), by striking out the period at the end thereof and inserting in lieu of the period a semicolon and the word "and"; and

(3) by adding a new paragraph to read as follows:

"(10) the Chief Judge of the United States Tax Court, without regard to this chapter (except section 5114), may place a total of 5 positions in GS-16, 17, and 18.".

(b) Section 5108(a) of title 5, United States Code, is amended by striking out "2,734" and inserting in lieu thereof "2,754".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows:

In lieu of the amended title proposed by the Senate amendment, amend the title so as to read: "An Act to amend title 5, United States Code, to authorize the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Pay, and for other purposes."

And the Senate agree to the same.

THADDEUS J. DULSKI,
DAVID N. HENDERSON,
ARNOLD OLSEN,
MORRIS UDALL,
ROBERT J. CORBETT,
DANIEL E. BUTTON,
Managers on the Part of the House.

GALE W. MCGEE,
RALPH W. YARBOROUGH,
JENNINGS RANDOLPH,
HIRAM L. FONG,
CALEB BOGGS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13000) entitled "An Act to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes," submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendments struck out all of the House bill after the enacting clause and inserted a substitute text and provided a new title for the House bill.

With respect to the amendment of the Senate to the text of the House bill, the committee of conference recommends that the House recede from its disagreement to the amendment of the Senate with an amendment which is a substitute for both the text of the House bill and the text provided by the Senate amendment and that the Senate agree to the same.

With respect to the amendment of the Senate to the title of the House bill, the committee of conference recommends that the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment to such title set forth in the conference substitute which will reflect more accurately the provisions of the text of the conference substitute and that the Senate agree to the same.

DIFFERENCES BETWEEN THE TEXT OF THE HOUSE BILL AND THE CONFERENCE SUBSTITUTE

Title

The first section of the House bill provides that the act may be cited as the "Federal Salary Comparability Act of 1969."

The conference substitute provides that the act may be cited as the "Federal Pay Comparability Act of 1970."

Pay comparability

Policy

House Bill

Section 2 of the House bill restates the congressional policy provisions of section 5301 of title 5, United States Code, relating to pay comparability. Also, section 2 amends section 5302 to provide new procedure for implementing the new pay policy.

Subsection (a) of section 5301 of the House bill continues congressional policy that rates of pay for Federal statutory pay systems shall be based on the principles that—

there be equal pay for substantially equal work;

pay distinctions be maintained in keeping with work distinctions; and

rates of pay be comparable, on a national basis, with private enterprise rates of pay for the same levels of work.

This restatement provides two minor changes in congressional policy from the policy under existing law.

First, the words "on a national basis" are included to remove any possible interpretation that would permit rates of pay under a statutory system to be fixed on an area basis.

Second, the specific requirement that the pay systems "be interrelated" was eliminated.

Conference Substitute

Section 2(a) of the conference substitute amends section 5301 as did the House bill.

Subsection (a) of section 5301, as amended by the conference substitute, contains provisions similar to the House bill, but eliminates the two changes contained in the House bill. Thus, the conference substitute does not include the words "on a national basis", but does include the requirement that the pay systems "be interrelated."

House Bill

Subsection (b) of section 5301 of the House bill identifies the pay systems under the pay comparability principles and requires that the rates of pay of each system be adjusted annually under the principles of subsection (a) and the procedures prescribed in the bill.

The employees covered by the legislation are Federal employees under the General Schedule, employees in the postal field service, officers, staff officers and employees in the Foreign Service of the United States, and physicians, dentists, and nurses in the Department of Medicine and Surgery, Veterans' Administration.

Conference Substitute

The conference substitute contains similar provisions in subsections (b) and (c) of section 5301, except that reference to the postal field service employees has been eliminated as such employees are now subject to the provisions of the Postal Reorganization Act, Public Law 91-375, approved August 12, 1970, and rates of pay for such employees will be fixed under collective bargaining procedures.

Section 2(b) of the conference substitute repeals section 5302 of title 5, United States Code, relating to the pay comparability procedure of existing law, and makes the necessary technical changes in the table of sections of subchapter I of chapter 53 of title 5, United States Code.

House Bill

The House bill, in section 2, amends such section 5302 to include the new procedures for fixing rates of pay under the comparability system.

Conference Substitute

The new procedures in the conference substitute are provided under new sections 5305-5308 of title 5, United States Code, as added by section 3 of the conference substitute, which is explained hereinafter.

House Bill

Pay adjustments

Section 2 of the House bill amends section 5302 of title 5, United States Code, to provide a permanent method of adjusting the rates of pay of Federal employees who are paid under the statutory pay systems.

Subsections (a)-(e) of the new section 5302 establish a Federal Employee Salary Commission composed of eight members and three associate members, and prescribe the functions of the Commission. Four of the members, having a total of four votes, are to be designated by ranking Government officials and the other members, having a total of three votes, are to be designated by employee unions.

The primary function of the Commission is to carry out the principles of pay comparability under section 5301(a), and after consultation with representatives of such agencies and employee organizations as it determines appropriate, the Commission is required to—

prescribe the comparability pay survey to be conducted by the Bureau of Labor Statistics;

prepare the annual comparative statement of rates of pay based on the Bureau of Labor Statistics' survey;

review all matters relating to pay comparability; and

submit to Congress a report setting forth the pay comparability information, the specific rates of pay necessary to fulfill pay comparability, and any recommendations for new legislation the Commission may feel appropriate to achieve pay comparability.

The Commission is required to seek and give full recognition to the views of employee organizations in connection with its deliberations and determinations.

A member of the Federal Employee Salary Commission is authorized to seek arbitration when a member determines that the rates of pay proposed by the Commission are not in conformity with the comparability principles.

Subsection (f) of the House bill establishes a seven-member Federal Employee

Salary Board of Arbitration with the sole function of determining whether the proposed rates of pay conform to the comparability principles, and if the proposed rates do not so conform, prescribe such new rates of pay as the Board determines necessary to conform with the comparability principles. The Board is to be composed of two members from the House, two from the Senate, one designated by the Chairman, Civil Service Commission, one by employee unions, and one by the Board.

Subsection (g) of the House bill requires the Commission to submit to Congress the first pay adjustment recommendations based on the 1969 Bureau of Labor Statistics survey by February 1, 1970, and annual pay recommendations by February 1 of each year thereafter.

Subsection (h) of the House bill provides that the rates of pay submitted to Congress shall become effective at the beginning of the first pay period commencing on or after the adoption by both Houses of Congress, within 60 days by a yea and nay vote, of a concurrent resolution approving such rates of pay. This subsection also authorizes the granting of retroactive pay adjustments, to correspond to adjustments initiated by the Commission, for employees whose rates of pay are fixed by administrative action.

Subsections (i)–(p) of the House bill provide the necessary provisions for administration of the Commission and the Board and implementation of the pay rates.

Subsection (q) of the House bill authorizes increases to be granted, retroactively effective, in the legislative and judicial branches, and by the Secretary of Agriculture with respect to the Agricultural Stabilization and Conservation County Committee employees, in amounts which are equal, insofar as practicable, to the increases in rates of pay which become effective under the provisions of section 5302.

Section 3 of the House bill makes the necessary technical adjustments in the table of contents of subchapter I of chapter 53 of title 5, United States Code, to conform with the adjustments made in the heading of section 5302 of title 5 by section 2 of the House bill.

Conference Substitute

Section 3(a) of the conference substitute amends subchapter I of chapter 53 of title 5, United States Code, by adding new sections 5305–5308, providing a permanent method of adjusting the rates of pay of Federal employees who are paid under the statutory pay systems.

The most significant difference from the House provision is that the President is directed to make the annual adjustments in the rates of pay; whereas, under the House provisions, adjustments in the rates of pay would become effective only after approval by the Congress of adjustments recommended by the Federal Employee Salary Commission.

Section 5305 of the conference substitute prescribes the procedure for implementing the comparability pay principles under section 5301.

Subsection (a) of the new section 5305 requires the President to direct such agent as he considers appropriate to prepare and submit to him annually, after considering such views and recommendations as may be submitted under subsection (b) of this section, a report—

that compares the rates of pay of the statutory pay systems for the same levels of work in private industry as determined on the basis of the annual survey that shall be conducted by the Bureau of Labor Statistics,

that makes recommendations for appropriate adjustments in rates of pay, and

that includes the views and recommendations submitted under subsection (b).

After considering the report of his agent and the recommendations of the Advisory Committee on Federal Pay, the President shall make such adjustments in the statutory pay systems as he determines necessary to carry out the comparability principles under section 5301. The adjustments will become effective as of the beginning of the first applicable pay period commencing on or after October 1, of the applicable year.

The President is required to transmit to Congress a report of the pay adjustments he makes, together with the reports submitted to him by his agent and the Advisory Committee on Federal Pay.

Subsection (b) requires the President's agent to establish a Federal Employees Pay Council, consisting of five members. The members are to be chosen from representatives of employee organizations representing employees under the three pay systems covered by section 5301, but no more than three members at any one time shall be from the same employee organization. They are to be selected with due consideration to such factors as the relative number of employees represented by the various organizations.

Members of the Council shall not be deemed to be employees of the Government of the United States and shall not receive pay by virtue of service with the Council.

The President's agent is required to provide for meetings with the Council, and to give thorough consideration to the views and recommendations of the Council, and to the views and recommendations of individual members of the Council, if any.

The views and recommendations may include the coverage of the annual survey to be conducted by the Bureau of Labor Statistics, including such matters as the occupations, establishment sizes, industries, and geographical areas to be surveyed, the process of comparing the rates of pay of a statutory pay system with the rates of pay for the same levels of work in private industry, and the adjustments in the rates of pay that should be made to achieve comparability.

In addition, the President's agent is required to give thorough consideration to the views and recommendations of employee organizations not represented by the Council, regarding the same matters which may be considered by the Council.

The views and recommendations submitted by the Council, by any member of the Council, and by employee organizations not represented by the Council, are to be included in the report of the agent to the President.

Subsection (c) of section 5305 of the conference substitute provides that if, because of a national emergency or economic conditions affecting the general welfare, the President in any year considers it inappropriate to make the pay comparability adjustments required by subsection (a), he shall prepare and submit to Congress before September 1 of that year such alternative plan for pay adjustments as he considers appropriate which are to be considered as being in lieu of the comparability pay adjustments required by subsection (a).

An alternate plan transmitted by the President becomes effective on the first day of the first applicable pay period commencing on or after October 1 of the applicable year, and continues in effect unless, prior to the end of the first period of 30 calendar days of continuous session of Congress after the date on which the alternate plan is transmitted, either House of Congress adopts a resolution disapproving the alternate plan.

Subsections (d)–(k) of section 5305 of the conference substitute prescribe the rules controlling the action in the Senate and the House of Representatives for consideration of a resolution disapproving an alternate plan. In general, the rules prescribed will guarantee a Member of Congress the right to have such a resolution acted upon by the Congress. It is provided that it shall be in order, by a highly privileged motion which is not debatable, to discharge the committee from further consideration of a resolution in the event the committee to which the resolution has been referred has not reported the resolution at the end of 10 calendar days after its introduction.

Subsection (l) provides that the rates of pay which become effective, either temporarily or permanently, under section 5305 are to be considered the rates of pay applicable to each employee or position.

Subsection (m) of section 5305 requires the President, in the event Congress disapproves the alternate plan, to make the comparable pay adjustments required by subsection (a). Such comparability adjustments will become effective as of the beginning of the first applicable pay period commencing on or after the date on which the disapproving resolution is adopted, or on or after October 1, whichever is later.

Subsection (n) provides that the rates of pay that become effective under section 5305 shall modify, supersede, or render inapplicable prior pay adjustments under provisions of law or prior recommendations and pay adjustments that have the effect of law.

Subsection (o) requires that the rates of pay that take effect under section 5305 shall be printed in the Federal Register and the Code of Federal Regulations.

Subsection (p) makes it clear that increases in rates of pay under section 5305 are not to be considered an equivalent increase in pay under section 5335 of title 5, United States Code, relating to periodic step increases for General Schedule employees.

Subsection (q) authorizes the President to prescribe conversion rules for pay adjustments that become effective under the provisions of section 5305.

Subsection (r) provides that the provisions for automatic pay adjustments of section 5305 will not impair any authority pursuant to which rates of pay may be fixed by administrative action.

Advisory Committee on Federal Pay

Conference Substitute

Subsection (a) of section 5306 of the conference substitute establishes an Advisory Committee on Federal Pay as an independent establishment in the executive branch to be composed of three presidential appointees not otherwise employed in the Government of the United States. Recommendations for such appointees are to be made by the Federal Mediation and Conciliation Service and may be made by other interested parties. It is anticipated that such appointees will be persons generally recognized for their impartiality, knowledge, and experience in the field of labor relations and pay policies. The appointees shall serve for 6-year terms.

Subsection (b) requires the Advisory Committee on Federal Pay to—

Review the annual report submitted to the President by his agent;

Consider such further views and recommendations, with respect to proposals in the annual report submitted by the agent to the President, as may be presented to the Committee in writing by employee organizations, the President's agent, other officials of the Government, and such experts as the Committee may consult; and

Report its findings and recommendations to the President.

Subsections (c)–(h) contain the usual administrative provisions for operation of the Committee.

Subsection (g) establishes the rates of pay for each member of the Committee at the daily equivalent of level IV of the Executive Schedule (now $38,000) for each day he is engaged in work of the Committee, and entitles each member to travel expenses, including per diem allowance, in accordance with the provisions of section 5703(b) of title 5, United States Code.

Pay fixed by administrative action

Conference Substitute

The primary purpose of section 5307(a) of the conference substitute is to authorize administrative pay fixing authorities to make adjustments in rates of pay, minimum or maximum rates of pay, and pay limitations or allowances, without regard to the anti-deficiency appropriation provisions of 31 U.S.C. 665, which prohibit administrative action from being taken to incur an obligation of funds in excess of the amount of funds available to cover the obligation. There are two principal features of section 5307(a).

Pay adjustments

The first feature of section 5307(a) is that it authorizes adjustments to be made in the rates of pay of employees of the legislative, judicial, and executive branches of the Government of the United States and of the government of the District of Columbia (except employees whose pay is disbursed by the Secretary of the Senate or the Clerk of the House) whose rates of pay are fixed by administrative action pursuant to law, and are not otherwise adjusted by the President under section 5305 of title 5, United States Code, as enacted by the conference substitute.

Authority is included for the adjustment of rates of pay of certain employees under the Architect of the Capitol whose rates of pay are fixed by 40 U.S.C. 166b–3, of the Superintendent of the House garages, and of persons employed by the Agricultural Stabilization and Conservation County Committees.

Wage board employees whose rates are fixed in accordance with prevailing local practices are specifically excluded under subsection (c).

It is to be emphasized that these provisions "authorize" adjustments in rates of pay. The actual decision of whether a pay adjustment will be made is within the discretion of the appropriate official.

The pay adjustments are not to exceed the pay adjustment under section 5305 for corresponding rates of pay or, when there are no corresponding rates of pay, the adjustments are not to exceed an amount equal or equivalent, insofar as practicable, to the amount of the adjustment under section 5305. The adjustments, however, may be less than the adjustments made by the President under section 5305.

The provisions of section 5307(a) are general in nature and all inclusive insofar as applicable administrative pay-fixing authorities are concerned, except as to certain employees of the Senate and the House of Representatives and wage board employees. Similar provisions in prior pay legislation were general in nature and, in addition, contained authorizations relating to specific administrative pay-fixing authorities.

To illustrate, section 211 of the Federal Salary Act of 1967, Public Law 90–206, included a specific authorization under subsection (a) to adjust the rates of pay of U.S. Attorneys and Assistant U.S. Attorneys whose salaries are fixed by administrative action of the Attorney General under 28 U.S.C. 548.

In addition, subsection (b) of section 211 contained general authorization for administrative pay-fixing authority.

Also, section 213 of the Federal Salary Act of 1967 identified several groups of employees of the judicial branch whose rates of pay are fixed by administrative action, such as referees in bankruptcy and law clerks.

The provisions of section 5307(a) of the conference substitute are intended to have general application covering all the applicable administrative pay-fixing authorities, with the exceptions noted above, including those specific authorities which were identified in former pay legislation.

Minimum or maximum rates of pay, limitations, or allowances

The second feature of section 5307(a) of the conference substitute is that it authorizes adjustments to be made in a minimum or maximum rate of pay, and in a pay limitation or allowance applicable to employees covered by section 5307.

It is intended that the authority of these provisions be used to make appropriate adjustments in minimum or maximum rates of pay or allowances affecting employees of the legislative, judicial, and executive branches, whose pay is fixed by administrative action, subject to the exceptions noted above. To illustrate, adjustments are authorized in the pay limitation under 28 U.S.C. 753(e) on the pay of court reporters.

Subsection (b) of section 5307 permits the adjustments in rates of pay, minimum or maximum rates of pay, limitations, or allowances under subsection (a) to be made in such manner as the appropriate authority considers advisable.

Subsections (c) and (d) provide that the authority of section 5307 does not apply to employees whose rates are fixed under the wage board system, and does not impair the authority to adjust rates of pay which may be fixed by administrative action.

Pay limitation

Section 5308 of the conference substitute provides that an employee whose rate of pay is adjusted under the provisions of sections 5301–5307 may not be paid at a rate in excess of the rate of pay for level V of the Executive Schedule (now $36,000).

Miscellaneous

Conference Substitute

Subsection (b) of section 3 of the conference substitute makes the necessary technical conforming changes in the table of sections of subchapter I of chapter 53 of title 5, United States Code.

Subsection (c) of section 3 of the conference substitute authorizes the President to make the initial adjustment under the new provisions without regard to the provisions relating to the Advisory Committee on Federal Pay, since there will not be adequate time to process the initial adjustment through the Committee procedure.

The subsection also provides that the initial adjustment and the adjustment based on the 1971 Bureau of Labor Statistics survey shall become effective on the first day of the first applicable pay period commencing on or after January 1, 1971, and January 1, 1972, respectively.

This subsection also designates the President's agent, for the purpose of the 1971 and 1972 adjustments, as the Director, Office of Management and Budget, and the Chairman of the Civil Service Commission.

In addition, subsection (c) provides that adjustments by the President under subchapter I shall not apply to employees of the Post Office Department whose basic pay is fixed under the General Schedule. The rates of pay of such employees were increased April 16, 1970, by the Postmaster General under authority of section 9 of the Postal Reorganization Act (P.L. 91–375). Hereafter such employees will have their rates of basic pay adjusted under the provisions of the Postal Reorganization Act.

Legislative pay

House Bill

The House bill included provisions in subsection (q) of section 5302 authorizing adjustments in the rates of pay of certain employees of the legislative branch, and adjustments in any minimum or maximum rate, limitation, or allowance, applicable to such personnel.

Conference substitute

Section 4 of the conference substitute provides that each time the President adjusts rates of pay under section 5305 of title 5, United States Code, the rates of pay of personnel whose pay is disbursed by the Secretary of the Senate and any minimum or maximum rate, limitation, or allowance applicable to such personnel shall be adjusted by the President pro tem of the Senate in such manner as he considers advisable. No rate shall be adjusted to an amount in excess of the rate of basic pay for level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

Section 5 of the conference substitute contains authority for adjustments relating to certain employees of the House of Representatives.

Whenever a pay adjustment is made by the President under section 5305 of title 5, United States Code, the Clerk of the House is authorized, in such manner as he considers advisable, to adjust each minimum and maximum rate of pay applicable to any employee or class of employees whose pay is disbursed by the Clerk of the House, other than a maximum rate equal to or greater than the maximum rate currently being paid under GS–18 as a result of the pay adjustment. Also, the Clerk is authorized to adjust each monetary limitation on, or monetary allowance for, pay applicable to such employee. This provision specifically includes authority to adjust the clerk-hire allowance for each Member of the House of Representatives and the Resident Commissioner from Puerto Rico, and the allowance for additional office personnel in the offices of the Speaker, the majority leader, the minority leader, the majority whip and the minority whip. The adjustments are to be in an amount rounded out to the nearest $100 and computed on the basis of a percentage equal or equivalent to, insofar as practicable and with such variations as the Clerk considers appropriate, to the percentage of the pay adjustment made by the President.

The Clerk of the House is authorized to determine with respect to the employees covered by this section, the respective amounts of pay adjustments which are equal or equivalent to corresponding increases in pay, as determined by the Clerk, made by the pay adjustments made by the President. The Clerk is required to transmit such information to the appropriate House of Representatives pay-fixing authority concerned.

The pay-fixing authority concerned is authorized to adjust the rates of pay of employees under his jurisdiction in such amounts as he considers appropriate subject to the limitations prescribed and subject to the usual procedures that may be required by the Clerk of the House under section 472(d) of the Legislative Reorganization Act of 1970, Public Law 91–510.

Illustration of pay-fixing authorities in the House are, a Member for employees in the office of a Member, the chairman of the committee for employees of a committee, and the House Administration Committee for employees under the House Employees Schedule. The decision as to whether any pay adjustment is to be made, and the amount of pay adjustment, is entirely within the discretion of the pay-fixing authority,

Subsection (c) of section 5 provides that the authority under this section does not impair any authority pursuant to which rates of pay may be fixed by administrative action. Subsection (d) specifically excludes wage board employees such as employees under the House Wage Schedule.

Subsection (e) places a ceiling on the amount of any increase under this particular section to the rate of basic pay of level V of the Executive Schedule which currently is $36,000.

The provisions of section 5 do not apply to officers of the House of Representatives (Clerk, Sergeant at Arms, Doorkeeper, Chaplain, and Postmaster), because the rates of pay of the officers are not fixed by admin-

istrative action, but are fixed by House resolutions, in some cases, or by the directive issued by the Speaker of the House on June 11, 1968 (2 U.S.C. 60a, note), which has the force and effect of law under section 212 of the Federal Salary Act of 1967 (Public Law 90–206).

Finally, the provisions of section 5 do not apply to those employees of the House of Representatives whose specific rate of pay is fixed by House resolution, such as minority floor assistants, under H. Res. 502, August 6, 1969, reporters of debates, under H. Res. 1055, October 19, 1966 and H. Res. 995, October 10, 1968; and reporters to committees, under H. Res. 533, June 8, 1956, H. Res. 335, August 18, 1959, and H. Res. 995, October 10, 1968.

Postal employee fringe benefits

House Bill

Section 4 of the House bill revises provisions of law relating to automatic step advancements for postal employees to permit the employees to reach the top pay step in 8 years instead of the present 21 years.

Section 5 of the House bill provides for a two-step within grade adjustment for postal employees in levels 1 through 11, effective October 1, 1969, and authorizes employees in levels 12 or above to receive a step increase on or after July 1, 1970.

Conference Substitute

The conference substitute does not include comparable provisions as such matters are now covered by the provisions of the Postal Reorganization Act, Public Law 91–375, approved August 12, 1970.

Miscellaneous Fringe Benefits

Premium pay

Section 6 of the House bill amends section 5545(c)(2) of title 5, United States Code, to authorize premium pay for certain employees for Sunday, night, holiday, and overtime work. This provision applies primarily to border patrolmen, Deputy U.S. Marshals, Customs and Internal Revenue personnel, and the Federal Bureau of Investigation.

The conference substitute does not include a comparable provision as similar provisions were included under section 8, Public Law 91–231.

Allowances at remote worksites

Section 7 of the House bill amends section 5942 of title 5, United States Code, to authorize an allowance, not to exceed $10 per day, at remote worksites in order to defray expenses of civilian employees assigned to duty at remote worksites.

Section 6 of the conference substitute includes comparable provisions, but requires that such expenses (including hardship and inconvenience) be above expenses normally encountered in metropolitan commuting.

Allowances for Floating Plant Operations

Section 8 of the House bill adds a new section 5947 to title 5, United States Code, authorizing an additional allowance for employees in the Corps of Engineers engaged in floating plant operations when the employees are prevented from boarding the vessel under circumstances beyond their control, such as hazardous weather conditions or while the vessel is in a shipyard for repairs.

Section 7 of the conference substitute contains a comparable provision.

Nepotism in Postal Service

The House bill does not contain a provision on this subject.

Section 8 of the conference substitute amends section 410(b)(1) of title 30, United States Code, as enacted by section 2 of the Postal Reorganization Act (Public Law 91–375), to extend the nepotism provisions of section 3110 of title 5, United States Code, to the new United States Postal Service. Section 3110, in general, prohibits a public official from appointing or advocating the appointment of any individual who is a relative of the public official.

Section 8 also corrects an error in such section 410(b)(1) by striking out the word "not" and inserting the word "no" in lieu thereof.

Supergrades

The House bill contains no provision on this subject.

Section 9(a) of the conference substitute amends section 5108(c) of title 5, United States Code, by adding a new paragraph (10) to authorize the Chief Judge of the U.S. Tax Court to place a total of 5 positions in GS–16, 17, and 18, without prior approval of the Civil Service Commission. The Tax Reform Act of 1969 (Public Law 91–172) eliminated the Tax Court of the United States as an independent agency in the executive branch and established a new U.S. Tax Court as a court of record under article I of the Constitution.

Since the Tax Court has been taken out of the executive branch of the Government, the U.S. Civil Service Commission has not allocated any additional supergrades to the Court on the basis that the Court should have its own quota of GS–16, 17, and 18 positions as is the case for several other agencies not under the control of the executive branch, such as the Comptroller General, the Director of the Administrative Office of the U.S. Courts, and the Library of Congress.

Section 9(b) authorizes 20 additional positions in grades GS–16, GS–17 and GS–18 for allocation by the Civil Service Commission among departments and agencies in the Executive Branch in accordance with procedures established and administered by the Commission under section 5108 of title 5, United States Code. The total number of positions now authorized is 2,734 and this section will increase the total to 2,754. By letter dated December 7, 1970, the Chairman of the Civil Service Commission advised that a minimum of 30 new positions is required to meet new critical needs occasioned by new organizations and functions in the executive branch. Specific mention was made of the needs for additional positions in these grades in the Environmental Planning Agency, the Office of Telecommunications Policy, the National Oceanographic and Atmospheric Administration and the Inter-American Social Development Institute.

Amendment to the Title

The title of the House bill reads:

"An act to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.".

The conference substitute, in order to reflect the new provisions of the substitute, amends the title to read:

"An act to amend title 5, United States Code, to authorize the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Pay, and for other purposes.".

THADDEUS J. DULSKI,
DAVID N. HENDERSON,
ARNOLD OLSEN,
MORRIS UDALL,
ROBERT J. CORBETT,
DANIEL E. BUTTON,
Managers on the Part of the House.

COURT LEAVE FOR EMPLOYEES OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 12979) to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 8, after "title" insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)".

Page 2, line 19, after "title" insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)".

Page 3, line 12, after "title" insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)".

Page 4, line 3, after "title" insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)".

Page 5, line 5, after "title" insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)".

Page 5, line 18, after "title" insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)".

Page 6, after line 8, insert:

"SEC. 6. (a) For purposes of this section—

"(1) 'employee' means any individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives; and

(2) 'court of the United States' has the meaning given it by section 451 of title 28, United States Code, and includes the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands.

"(b) The pay of an employee shall not be reduced during a period of absence with respect to which the employee is summoned (and permitted to respond to such summons by the appropriate authority of the House of the Congress disbursing his pay), in connection with a judicial proceeding by a court or authority responsible for the conduct of that proceeding, to serve—

"(1) as a juror; or

"(2) as a witness on behalf of a party other than the United States, the District of Columbia, or a private party;

in the District of Columbia, a State, territory, or possession of the United States including the Commonwealth of Puerto Rico, the Canal Zone, or the Trust Territory of the Pacific Islands. For purposes of this subsection, "judicial proceeding" means any action, suit, or other judicial proceeding, including any condemnation, preliminary, informational, or other proceeding of a judicial nature, but does not include an administrative proceeding.

"(c) An employee is performing official duty during the period with respect to which he is summoned (and is authorized to respond to such summons by the House of the Congress disbursing his pay), or is assigned by such House, to—

"(1) testify or produce official records on behalf of the United States or the District of Columbia; or

"(2) testify in his official capacity or produce official records on behalf of a party other than the United States or the District of Columbia.

(d)(1) An employee may not receive fees for service—

"(A) as juror in a court of the United States or the District of Columbia; or

"(B) as a witness on behalf of the United States or the District of Columbia.

"(2) If an employee receives an amount (other than travel expenses) for service as a juror or witness during a period in which his pay may not be reduced under subsection (b) of this section, or for which he is performing official duty under subsection (c) of

this section, the employee shall remit such amount to the officer who disburses the pay of the employee, which amount shall be covered into the general fund of the Treasury as miscellaneous receipts.

"(e) (1) An employee summoned (and authorized to respond to such summons by the House of the Congress disbursing his pay), or assigned by such House, to testify or produce official records on behalf of the United States is entitled to travel expenses. If the case involves an activity in connection with which he is employed, the travel expenses shall be paid from funds otherwise available for the payment of travel expenses of such House in accordance with travel regulations of that House. If the case does not involve such an activity, the department, agency, or independent establishment of the United States on whose behalf he is so testifying or producing records shall pay to the employee his travel expenses out of appropriations otherwise available, and in accordance with regulations applicable, to that department, agency, or independent establishment for the payment of travel expenses.

"(2) An employee summoned (and permitted to respond to such summons by the House of the Congress disbursing his pay), or assigned by such House, to testify in his official capacity or produce official records on behalf of a party other than the United States, is entitled to travel expenses, unless any travel expenses are paid to the employee for his appearance by the court, authority, or party which caused him to be summoned.

"(f) The Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives are authorized to prescribe, for employees of their respective Houses, such rules and regulations as may be necessary to carry out the provisions of this section.

"(g) No provisions of this section shall be construed to confer the consent of either House of the Congress to the production of official records of that House or to testimony by an employee of that House concerning activities related to his employment."

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE CERTAIN REPORTS

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FREE "WORK WANTED" ADS IN DETROIT AREA

(Mr. NEDZI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEDZI. Mr. Speaker, it is an economic truism that when the rest of the country catches a cold Detroit catches pneumonia. We have not quite reached the pneumonia stage, but Detroit which is so dependent on auto sales has been hard hit economically.

A small but nevertheless helpful step has been taken by publisher, Ben Nathanson, owner of a chain of 15 weekly newspapers in southeastern Michigan.

His Detroit Area Weekly Newspapers—DAWN—are providing free "Work Wanted" ads for 3 weeks in all editions.

The DAWN newspapers reach the communities of: Warren, Center Line, Mount Clemens, Fraser, Roseville, Clinton Township, St. Clair Shores, East Detroit, Huntington Woods, Southfield, the Grosse Pointes, and Harper Woods.

I commend Mr. Nathanson and his staff upon their initiative and creative community spirit and suggest that similar efforts by other community newspapers may prove rewarding.

PROVIDING FOR CONSIDERATION OF H.R. 19911, SUPPLEMENTAL FOREIGN ASSISTANCE AUTHORIZATION

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1297 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1297

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas (Mr. YOUNG), is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

(Mr. YOUNG asked and was given permission to revise and extend his remarks.)

Mr. YOUNG. Mr. Speaker, House Resolution 1297 provides an open rule with 2 hours of general debate for consideration of H.R. 19911, the supplemental foreign assistance authorization.

The purpose of H.R. 19911 is to authorize additional appropriations for foreign assistance to $535 million; $195 million is for supporting assistance and $340 million is for military assistance. Supporting assistance is economic assistance which will be used in Cambodia and Vietnam to increase their capability to defend themselves against Communist aggression. Military assistance funds will be applied principally to programs in Cambodia and Korea; a small part will be available for programs in Lebanon, Jordan, and Indonesia. Both supporting assistance and military assistance requests contained in the bill will also permit the restoration of funds transferred from other country programs to meet the emergency needs resulting from the invasion of Cambodia by the North Vietnamese.

The bill also authorizes an additional appropriation of $15 million of contingency funds, as well as appropriation of local currency held by the United States, to provide assistance for East Pakistan in the wake of the recent disaster there.

The total authorization in the bill is $550 million.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in view of the fact that we will have the railroad bill and others here before us this afternoon, bills that are extremely important, and it will be a long day, I will not repeat any of the remarks of the gentleman from Texas (Mr. YOUNG), who in my opinion has very adequately explained the rule—House Resolution 1297—that will provide for the consideration of H.R. 19911.

In this authorization the total amount is $550 million.

Now, there is $500 million also for Israel for economic and military assistance, but not in this bill, because that was previously provided in the Defense Procurement Act. We will have the last appropriation bill, which will be a supplemental, probably on the floor tomorrow that will include the funds for both of these projects which I have mentioned, with this exception, as I understand, from the testimony which we just heard in the Committee on Rules; the supplemental funds request is at $490 million rather than $535 million or $550 million.

Mr. Speaker, personally I have never voted for any authorization bill or any appropriation bill having to do with foreign aid. I think there are others who are in the same position, but I do not consider this particular legislation foreign aid. It is not. There is a lot of waste, in my opinion, in foreign aid, but ths money is absolutely necessary if our Vietnamization policy is going to work out, and if we are going to get our American servicemen home from this long, extended war over there. Unless we proceed to give them some money so they will have guns, ammunition, and equipment, and can take over for themselves, then our efforts will have been in vain.

So in voting for this bill, which I strongly support, I do not consider it as the same type of foreign aid we have had in the past. I believe it is essential to carry on our Vietnamization policy which in my opinion is working quite well.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding, in order that I may mildly compliment the Rules Committee for bringing us one rule that is a completely open rule.

Mr. SMITH of California. I appreciate the gentleman's congratulations, but may

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of December 30, 1970
91st-2nd; No. 210

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HIGHLIGHTS: House agreed to conference report on food stamp amendments.
Senate committee reported bill continuing Coffee Agreement.
Senate accepted conference report on pay bill.
Sen. Holland reviewed accomplishments of agriculture.

SENATE

1. COMMITTEE ACTION.
Committee on Finance reported, without amendment, the following bills:
H.R. 7626, revising the tariff schedules with respect to the classification of certain sugars, sirups, and molasses (S. Rept. 91-1523);
H.R. 19242, extending the farm-loss tax deduction for citrus groves to almond groves (S. Rept. 91-1529); and
H.R. 19567, continuing the International Coffee Agreement Act of 1968 until June 30, 1971 (S. Rept. 91-1534). pp. S21473-4

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

2. FLOOR ACTION.
Agreed to the conference reports on the following bills:
H.R. 13000, proposed Federal Salary Comparability Act of 1970. pp. S21560-75
H.R. 18515, FY 71 Labor-HEW appropriations bill. This bill now goes to the President. pp. S21510-27;
H.R. 17867, FY 71 Foreign assistance appropriations. pp. S21578-88

3. FARM PROGRAMS. Sen. Holland discussed the accomplishment of American agriculture, noting the dangers of blindly criticizing all farm programs, and urging renewal of the Sugar Act. pp. S21559-60

4. GREEN REVOLUTION. Sen. McGee included an article reviewing the "Green Revolution" and the accompanying cultural revolution. pp. S21484-6

5. WATERSHEDS. Both Houses received the watershed work plan for Clear Creek Watershed, Saunders County, Nebraska; to the Committee on Agriculture. pp. S21473, H12569
Both Houses received plans for watershed works of improvement in the states of Alabama, Texas, and Virginia; to the Committees on Public Works. pp. S21473, H12569

6. FHA. Both Houses received a report from GAO on improvements needed in financial statements of the Emergency Credit Revolving Fund of the Farmers Home Administration; to the Committees on Government Operations. pp. S21473, H12569

HOUSE

7. FLOOR ACTION. Agreed to the conference report on H. R. 18582, proposed Food Stamp amendments. pp. H12541-8

8. POLLUTION. Rep. Ryan warned of the dangers of the chemical compound, PCB's, and noted that action had been taken to have them eliminated from economic poisons. p. H12540

EXTENSION OF REMARKS

9. AGRICULTURAL EXPORTS. Rep. Schwengel expressed fear of retaliation against Iowa's growing agricultural export business if the trade bill passes. pp. E10813-4

BILLS APPROVED BY THE PRESIDENT

10. EGG INSPECTION. H. R. 19888, providing for inspection of certain egg products by the Department of Agriculture. Approved December 29, 1970 (P. L. 91-597)

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AGRICULTURE—SUGAR HISTORY

Mr. HOLLAND. Mr. President, during the time I have served in the Senate our world has changed with incredible speed, so much so that perhaps the most distressing trend of the times is the loss of continuity experienced by Americans in general. Tried and proven methods receive less and less appreciation of their value; we crave what is new simply because it is new; we even discuss our heritage today almost entirely in terms of "Where did we begin to go wrong?"

Nowhere has the change been greater than in agriculture, yet today the country as a whole no longer seems to take pride in our achievements in this field—achievements that place us many, many years in front of our nearest competitors.

In fact it is quite the contrary; one of the favorite pastimes that we have is to criticize farmers, and especially to criticize farm programs. I have watched this trend closely in recent years, and I am alarmed at the amazing rate at which it has grown during the years I have served as chairman of the Subcommittee on Agricultural Appropriations, and as a ranking member of the legislative Committee on Agriculture and Forestry. Now I am in my last week of service in the Senate after more than 24 years work in this Chamber, and I find this a fitting occasion first to thank especially those Senators, staff members, Members of the other body and members of the executive department with whom I have worked so closely over the years—to thank them not only for their cooperation, but more importantly for the tremendous contributions to agriculture that they have helped to make possible.

Former Agriculture Secretary Orville Freeman once described the work of the American farmer as "a modern miracle." I believe it is an apt description, but fear that far too few people really recognize and understand its significance.

Consider the great achievements that are now taken for granted with almost breathtaking ease:

Our farmers have met the challenge of a 16.7 percent population increase over the past decade by producing 20 percent more food and fiber.

They produced that much on 6 percent fewer acres.

A scant 10 years ago, one farmworker fed himself and 23 others; today he provides more than enough for himself and 43 others or 20 more persons than he did in 1960. What an incredible record. But the really incredible part is that hardly anyone really appreciates it. Ask the first person you meet to name the largest employer in the Nation. More than likely the answer will be autos, steel, or utilities. The correct answer, agriculture—usually earns a look of disbelief. Nevertheless, it is true and the disbelief makes it nonetheless significant.

Agriculture employs 5 million workers—that is more than the combined total for transportation, public utilities, the steel industry, and the automobile industry.

Agriculture creates three out of 10 jobs in private employment.

Today our farmers are exporting the production from approximately 78 million of the 300 million acres of cropland we farm each year, and these exports play a crucial part in feeding the hungry, keeping the peace, and promoting international trade.

Instead of gratitude, this record earns more and more contempt. Agriculture's critics dislike farm programs and habitually characterize farmers as the all-time champion subsidy recipients, the facts notwithstanding.

Certainly the farm programs are not perfect, but the strides they have enabled us to make far outweigh their imperfections.

My purpose is not to defend farm programs, it is to alert you to the dangers inherent in this trend.

There are a great many different kinds of farm programs and you are already familiar with the major features of most of them. During this session we have passed programs for some of the major farm commodities for a 3-year period. Other commodities have permanent legislative authority. Still others must be considered next year. Each of these programs intimately affects the economic well being of the areas in which the particular crop affected is grown. For example, one major farm program of particular importance to my home State, to other producing areas and to all consumers will be considered by the Congress during 1971. This program is perhaps more frequently criticized and more frequently misunderstood than any other. I refer to the Sugar Act which will be reviewed and hopefully renewed the next legislative session. In origin this act dates back to a time long before I came to the Senate, and was designed by Congress to protect the welfare of consumers, that of the domestic sugar-producing industry.

The act has accomplished both purposes, yet it too is continually singled out for criticism. Consider the fact that consumers have had guaranteed supplies at reasonable prices, producers have received fair prices for sugar produced and our export trade has benefited. In addition, I note that sugar prices in relation to per capita disposable income have risen only 40 percent—using the years 1935–39 as a base—while all foods are up about 90 percent for the same period.

Consider also the fact that the entire cost for this program has been financed through the excise tax on sugar imposed at the rate of 50 cents per 100 pounds raw value. Moreover, during the 35-year life of the program excise tax collections paid into the U.S. Treasury have totaled $500 million more than actual program costs.

The basic objectives of the Sugar Act are: first, to make sure that we have enough sugar; second, that prices paid by consumers are reasonable; and, third, that our domestic producers receive a fair return for the sugar they produce. Each of the components necessary to make sure that these crucial objectives are met is provided for in the legislation. To illustrate: supplies of sugar were jeopardized this past summer for certain sections of the country by a strike. Secretary Hardin increased the consumption estimate which permitted additional imports of sugar from foreign suppliers and also permitted our domestic producers to market additional sugar. Shortly after this was done the strike was settled and the increased sugar available to the market resulted in depressed prices to the sugar producers. After conferring with the Secretary and other USDA officials, I recommended that provisions be put into effect which restrict the amount of sugar imported in the United States during the first 6 months of the year. Such a limitation, if imposed, would result in a rise in raw sugar prices equivalent to that deemed in the act as fair to domestic producers. The recommendation was followed and prices have improved.

This is an example of how a complicated program, when properly operated, functions—it works smoothly.

The built-in features of this program should be changed to permit an upward adjustment in the quota for mainland cane growers; it is an adjustment that should be made. Presently, these growers are the only domestic producers operating under quota restrictions. In fact, their permitted acreage is much less than what they grew more than 6 years ago when they were encouraged by our Government to expand rapidly because of the Cuban crisis.

Certainly their acreage should be as large today as it was when they were asked—and when they responded—to meet an urgent national objective. Upward adjustment on quota should go along with more acreage.

With all the efforts expended to give us an adequate domestic supply of this necessary staple it is still a program for a deficit commodity producing only 55 percent of the total consumption of sugar consumed in the United States and requiring the importation of the remaining sugar requirements of the Nation.

This is the example of one program involving one commodity of strategic importance, and I predict that next year this same program will be both criticized and condemned when it comes up for consideration before this body.

Undoubtedly much of the criticism will center on payment features of the program. Again I reiterate the point that the sugar program has more than paid its own way in the past, and will continue to do so in the future. In addition, it is significant that for years this program has operated smoothly with a limitation on payments in effect. Designed as a means of assisting the smaller producer, this provision permits a maximum payment of 80 cents per 100 pounds for those producing 350 tons or less. The rate of payment is scaled down at various levels to a low of 30 cents per 100 pounds for producers of more than 30,000 tons.

I hope—in fact I feel confident—that my colleagues will respond to criticism of this vital program, no matter how vocal it may become, on the basis of how well the program has functioned in the past. In that event it will continue in operation—and continue working well.

Otherwise, we will be in for some tough times.

The important point is that the critics only criticize; they are always "fresh out" of workable alternatives.

I cannot believe that this body would ever eliminate the sugar program—or any other commodity program on the basis of whims so frequently and so capriciously expressed by critics who really wish to destroy merely for the sake of destruction.

FEDERAL EMPLOYEE PAY COMPARABILITY SYSTEM—CONFERENCE REPORT

Mr. McGEE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 9, 1970, pages H11351–H11357, CONGRESSIONAL RECORD.)

Mr. McGEE. Mr. President, this legislation now before the Senate, I want to stress, is a mechanism for comparability pay for Federal employees. It is a mechanism piece of legislation. Its substance, in fact, involves no money, but in its application it would involve money if the President of the United States so rules. The point of the legislation is to approve a mechanism for achieving comparability for Federal employees. This is a principle legislated by this body a good many years ago. Now we are simply trying to translate that principle into a fact of life.

The legislation provides for a permanent system to adjust the salaries of the civil service employees of our Government on an annual basis, in accordance with the principles of pay comparability set out in the Federal Employees Salary Reform Act passed in 1962 by this body.

Hereafter, if this conference report is adopted, the President would make annual adjustments, effective on October 1 of each year, on the basis of recommendations submitted by the Civil Service Commission and the Office of Management and Budget reflecting current wages for similar jobs for levels of responsibility in the private sector. He would consider the views of the Federal Employee Pay Council, made up of representative employee organizations, and he would consider the views of an advisory committee to the President on Federal pay.

If for reasons of national emergency, inflation, or whatever other conditions, the President should determine on a pay adjustment other than that recommended by the advisers, he would have the option of submitting an alternate proposal.

Such a proposal would be submitted to Congress, subject to the disapproval of either House within 30 legislative days. The matter would be highly privileged under the rules of House and Senate, and if either House disapproved, the President would be required to implement the original recommendation.

The bill covers all Federal employees subject to the general schedule, the Foreign Service schedule, and the VA schedule, and authorizes increases for employees who are paid under nonstatutory salary schedules. It does not apply to employees in the postal field. It does not apply to employees in the blue collar grades and crafts who are paid under prevailing rates.

The initial adjustment that would be possible for the President to make would become effective on January 1, 1971—and that is the day after tomorrow; and the second adjustment, if that were to be made, would be made effective on January 1, 1972. Thereafter, after that second adjustment, it would go back to the regularly scheduled adjustment date of October 1 for that adjustment each year. By moving the date to October, the data from private enterprise would be about 3 months behind the time; but that is compared with 8, 10, or 12 months now.

We think that is about as close to the mark as we can come. There are two or three other provisions in the bill of a minor nature which have the approval of the administration and have been considered by the House on earlier occasions in the past.

The cost of these minor adjustments is negligible and applies to a very tiny number of employees.

The bill also adds 20 supergrades to the pool administered by the Civil Service Commission, and gives five supergrades to the Tax Court of the United States.

The conference report represents an agreement for permanent salary legislation developed by Members of the House and Senate in cooperation with the executive branch. I stress that. We had some differences across-the-board in seeking some Federal mechanism that would be equitable, but we have arrived at this position with the White House, with the Civil Service Commission, and with the Chairman, Robert Hampton, with the two parties, and the two committees in the two Houses.

We think that it is as close, again, as we can come to a workable mechanism for achieving this goal. The pay of the employees of Congress is also included in this bill.

I want to say a word about that, so that there will be no misunderstanding.

After the President makes the adjustment in salaries each year, the President pro tempore of the Senate is directed to issue an order implementing similar salary increases for employees of the Senate. The President pro tempore would have very broad authority to increase salaries and salary limitations, or make exclusions or modifications as he sees fit, and to delegate to Senators as committee chairmen and other officers of the Senate who have appointive authority as well, to make such salary adjustments, if that is their judgment.

In other words, this is not automatic, in terms of Senate employees or committee employees.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Hawaii (Mr. FONG).

There being no objection, the statement of Senator FONG ordered to be printed in the RECORD, as follows:

FEDERAL PAY COMPARABILITY ACT OF 1970

(Statement of Senator FONG)

Mr. President, I urge Senate approval of the conference report on H.R. 13000, the Federal Pay Comparability Act of 1970.

Enactment of this legislation would put into effect a permanent system for setting the pay of Federal statutory-salaried employees. It also includes authorization for pay increases for employees of the Congress of the United States, and the judicial branch.

Consideration of similar proposals have been presented to the Senate Committee on Post Office and Civil Service in the past. However, this is the first time that agreement on such legislation has been reached among members of both the Senate and House Post Office and Civil Service Committees, the Administration and Federal employee groups.

It is a far reaching plan and one which I believe has great merit.

The comparability principle as enacted in 1962 for Federal salaries continues as the basis for pay increases.

The Bureau of Labor Statistics will continue to take annual surveys of pay in private industry. These statistics together with pay comparisons for similar work in the Federal government will be forwarded on to the Civil Service Commission, as is being done now. However, it is at this point that this measure makes its reforms.

The proposal now before us would give the President of the United States authority to put into effect without congressional action salary increases recommended by an agent which he would designate. The agent's recommendations would be made after reviewing the Bureau of Labor Statistics' survey results and consulting with a Federal Employees Pay Council.

Presently, the Congress must pass affirmative legislation giving Federal employees pay increases.

Under this legislation the President is also authorized to establish a 3-member Advisory Committee on Federal Pay. The Committee, composed of non-government members, would review the recommendations of the President's agent and would make recommendations of its own to improve the system for establishing Federal salaries.

The President is also required to submit annually to the Congress a report on Federal pay increases together with the recommendations of his agent and the Advisory Committee on Federal Pay.

In any year, should the President decide for national economy or emergency reasons that the recommendations of his agent are not in the best interests of the country he must submit to the Congress an alternative pay plan. Should either House of the Congress disapprove within 30 days the alternative plan the President would then have to implement by October 1 of that year the pay recommendations of his agent.

The procedures I have just outlined will go into effect beginning October 1, 1972. Prior to that time the President is authorized to effectuate Federal pay increases on January 1, 1971 and January 1, 1972 based on Bureau of Labor Statistics surveys for 1970 and 1971, respectively.

According to the latest BLS statistics just released Federal salaries are now lagging an average of 6.2 percent behind those in private industry.

Should H.R. 13000 be enacted and the President order a 6 percent Federal salary increase for January 1, 1971, the estimated Fiscal Year 1971 cost would be approximately $500 million. By authorization of Public Law

90–207, military personnel would automatically receive a similar pay increase costing a little over $500 million for Fiscal Year 1971.

In no case shall a salary affected by this measure be increased above that of Executive Level V, which is now $36,000 per annum.

Employees of the legislative and judicial branches would be subject to pay increase orders issued by the appropriate heads of those bodies, following the lead of the President's for the executive branch.

The new procedures required by H.R. 13000 would drastically reduce the long time lags that are built into the present Federal salary comparability system. By giving the President the authority to increase pay for Federal employees the time lag would be cut from the normal year and a half we now experience to about six months. At the same time it retains for Congress the ultimate decision for putting increases into effect should the President decide against comparability pay adjustments.

The bill also contains some other minor provisions affecting very small groups of Federal workers and would cost not more than $100,000 a year. These other provisions have been reviewed by the Civil Service Commission and they fully support enactment of these provisions as well as the new Federal pay setting procedure contained in the main part of H.R. 13000.

I would also like to point out to my colleagues that except for minor changes the proposal now before the Senate is the same as that which I introduced as S. 4270 earlier this year.

I have been a member of the Senate Post Office and Civil Service Committee now for eleven years and have had the privilege of working on every Federal pay bill enacted since 1960. Based on my experience in this area I believe that H.R. 13000 as now presented to us is a very good bill. I am convinced it is in the best interests of the Federal service and Federal employees. I am hopeful that the Senate will approve this conference report so that it can be sent to the House of Representatives for similar action before we adjourn sine die this year.

SUMMARY, FEDERAL SALARY BILLS, 1960–70

Public Law	Effective date	Percent
85–568	July 1, 1960	[1] 7.5
87–793	Oct. 11, 1962	[2] 5.5
	Jan. 1, 1964	4.1
88–426	July 1, 1964	4.2
89–301	Oct. 1, 1965	3.6
89–504	July 1, 1966	2.9
90–206	Oct. 1, 1967	4.5
	July 1, 1968	7.0
	Jan. 1, 1969	7.0
91–231	Dec. 27, 1969 [3]	[4] 6.0
Total		52.3

[1] Over President's veto.
[2] Comparability principle adopted.
[3] Based on June 1969 Bureau of Labor Statistics figures.
[4] In Postal Reform Act—8 percent more than what other classified got Aug. 12, 1970.

H.R. 13000 authorizes the President to effectuate a pay increase on January 1, 1971. The June, 1970, Bureau of Labor Statistics survey shows Federal salaries an average of 6.2% behind private industry. A 6% pay increase effective January 1, 1971, would cost an estimated $500 million for the last half of Fiscal Year 1971 (Jan. to June 30) for civilians and a little over $500 million for the military. Civil Service Commission advises this increase has been included in the 1971 budget.

June 1970 BLS figures gotten between Mar. and Sept. 1970. So this would be a lag period of 6 months instead of almost a year to a year and a half when bill is enacted. Under this procedure lag would be 6 months or less.

Mr. AIKEN. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I yield.

Mr. AIKEN. Does the term "employees" here on the Hill apply to employees in our offices?

Mr. McGEE. Yes.

Mr. AIKEN. So that the President pro tempore may fix the maximum and minimum salaries for them?

Mr. McGEE. The Senator would have the authority either to say yes or no whether it applies to one of his employees, but the range in which it applies, that is, to the level of the employment, would be determined by the President pro tempore.

Mr. AIKEN. The President pro tempore could say that the salary of a senatorial office employee may be a minimum of $3,000 or a maximum of, say, $60,000 or $70,000. Would he have the right to do that?

Mr. McGEE. The maximum allowed here under title 5 would be $36,000 at the present time.

Mr. AIKEN. This would require a vote of one House or the other?

Mr. McGEE. That chapter would not require a vote of the Houses. That is up to the individual Senator, or the committee chairman, whether that is to be allowed or disallowed for a particular employee. But the range would be set by the President pro tempore.

Mr. AIKEN. At the same time, the President pro tempore would set the maximum of $36,000 a year?

Mr. McGEE. That is set in the legislation.

Mr. AIKEN. Had this law been in effect 2 years ago, how would it have affected the salaries of Members of the Senate?

I believe that the Presidential Commission on Executive, Legislative, and Judicial Salaries recommended $50,000 a year, and through some mechanisms here in the Senate, it was reduced to $42,500. Inflation was then on its way. We could not stop it any longer.

Mr. McGEE. I think it could not have been stopped. It had very little relevance to that.

Mr. AIKEN. Could the people downtown fix our salaries?

Mr. McGEE. No. This was set when the Senate adjusted its own salaries, and the decision is retained in its committees.

Mr. AIKEN. Does the bill provide for debate on any proposals which are made for the salaries of people working on the Hill?

Mr. McGEE. Not in terms of the range of those salaries.

Mr. AIKEN. Does it provide for debate?

Mr. McGEE. No.

Mr. AIKEN. In other words, we turn it over to the executive branch.

Mr. McGEE. To the President pro tempore of the Senate.

Mr. AIKEN. The President pro tempore estimates what these salaries should be. Are they on a comparable level with the salaries which are fixed for the executive branch?

Mr. McGEE. They would be comparable with the salaries fixed by the advisory board to the President for Federal employees. And that salary is fixed in the legislation at $36,000 as far as its application here is concerned.

Mr. AIKEN. Are the decisions and actions of the President pro tempore subject to debate on the Senate floor?

Mr. McGEE. No. It is simply delegating the authority. What we try to do is remove as far as is feasible the involvement of Congress in lobbying operations affecting pay.

Mr. AIKEN. I do not have my report of the committee with me. However, it seems to me that there are some actions which are subject to debate and that the conferees limit the debate to 2 hours. Do I understand correctly?

Mr. McGEE. I am advised that is not true. For the last couple of years this has been the case.

Mr. AIKEN. But if it did limit debate, would that be infringing on the Senate's right to make its own rules or is the Senate delegating the rulemaking authority to the President pro tempore?

Mr. McGEE. This would be the formula of the law setting salaries for Federal employees. It would regard the Senate employees as Federal employees.

Mr. AIKEN. Mr. President, for the next 2 years would the President pro tempore be elected by the Senate or designated by the Vice President?

Mr. McGEE. He is selected, however he is selected now. There is no change in the procedure.

Mr. AIKEN. I plead ignorance, too. How is he elected now?

Mr. McGEE. The President pro tempore of the Senate is elected, I presume, by the majority.

Mr. AIKEN. I was wondering if our present Vice President would take over the Senate and fix its rules.

Mr. McGEE. I would yield to the Parliamentarian on that as the Senate historian.

Mr. AIKEN. Mr. President, I do not doubt that our present Vice President would do an excellent job. There may be some who would not agree with me.

The PRESIDING OFFICER (Mr. HUGHES). The President pro tempore is elected by the Senate. If for some reason one is removed, the Senate through its own procedure selects the replacement.

Mr. McGEE. The present procedure is that the majority party in the Senate would select the President pro tempore. In fact, he generally is the senior member of the majority party.

The PRESIDING OFFICER. He is elected by the majority of the Senate.

Mr. AIKEN. Mr. President, suppose that I were to join the Democratic Party. Would I then be the President pro tempore?

Mr. McGEE. That would be a circumstance under which we would be delighted.

Mr. AIKEN. I was just wondering if under those circumstances I could take over the Senate.

Mr. McGEE. The selection is made by the majority of the Senate, not the Vice President, who is the President of the Senate.

Mr. AIKEN. But they select the senior member. I would have to yield to Senator ELLENDER, anyway. He is my senior.

Mr. McGEE. That is only the custom. The majority makes the decision and the majority can remove.

Mr. AIKEN. Now that I have been fully informed as to the bill, I have no more questions.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PASTORE. Mr. President, do I understand the Senator correctly that the President pro tempore does not initiate this action and neither does the Senate. The President pro tempore has to wait for the President to ask for it.

Mr. McGEE. The Senator is correct.

Mr. PASTORE. We have to wait for the President to act before the elected official of the Senate can act.

Mr. McGEE. In terms of the range of the pay scale. This is simply the proposal.

Mr. PASTORE. But can the President pro tempore go beyond the recommendations of the President or go under the recommendations of the President? As I understood the Senator, he can only say "Yes" or "No."

Mr. McGEE. I am advised that under the legislation the President pro tempore would have broad authority to apply it to the employees of the Senate.

Mr. PASTORE. To apply what?

Mr. McGEE. The increase that the President had applied to Federal employees, in the same proportions.

Mr. PASTORE. Therefore the President pro tempore could never move unless the action had first come from the President.

Mr. McGEE. No. Otherwise there would have been no salary increase for Federal employees.

Mr. PASTORE. Then what are we delegating to the President pro tempore?

Mr. McGEE. The decision as to whether he would increase or not increase the salaries.

Mr. PASTORE. As recommended by the President?

Mr. McGEE. As recommended by the President.

Mr. PASTORE. But he has no right to increase or decrease or do anything unless the President acted?

Mr. McGEE. Unless the other salaries were going up.

Mr. PASTORE. Mr. President, step by step I think we are giving away the function and responsibility of the Senate of the United States.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. TALMADGE. Mr. President, with reference to the questions asked by the Senator from Vermont and the Senator from Rhode Island, I refer to page 8 of the conference report, paragraph (b), and I read therefrom:

> The adjustments made by the president pro tempore shall be made in such manner as he considers advisable and shall have the force and effect of law.

Will the Senator clarify that? That gives the Presiding Officer of the Senate extremely broad authority, as I see it.

Mr. McGEE. Not the President of the Senate, the President pro tempore, who is elected by the majority.

Mr. TALMADGE. The Senator is correct. The President pro tempore is what I meant to say.

Mr. McGEE. The Senator is correct.

Mr. TALMADGE. Does that mean that he can reach into a Senator's office and take out a secretary and raise her salary?

Mr. McGEE. He cannot touch a Senator's office. This applies to the employees of the Senate, not to the employees of a Senator.

Mr. TALMADGE. What about the employees of a Senate committee?

Mr. McGEE. The money available for the salary limitations is available. But whether that is applied by the Senator to his employees is his business as Senator. The money is made available in the Senator's allocation.

Mr. TALMADGE. Getting specific now, would this authorize the President pro tempore to raise the chief of staff of the Finance Committee, in his discretion?

Mr. McGEE. The chairman of the Finance Committee would have the jurisdiction for that decision.

Mr. TALMADGE. In other words, the President pro tempore then could not fix the specific salaries of members of the committee staffs?

Mr. McGEE. The Senator is correct.

Mr. TALMADGE. Is that what the Senator was saying?

Mr. McGEE. The Senator is correct.

Mr. TALMADGE. And the Senator has also said that the President pro tempore would not have authority to fix specific salaries in a Senator's office.

Mr. McGEE. The Senator is correct.

Mr. TALMADGE. Suppose that the Presidential Commission and the President recommended a 5-percent salary hike for employees. Then the President pro tempore would have authority, as I understand it, under section (b), to grant it to Senate employees or to withhold it or make it 3.5 percent if he saw fit.

Mr. McGEE. The question concerns employees of the Senate who are not on any Senator's committee and who are not on any Senator's staff. Then the President pro tempore has broad authority to make that decision.

Mr. TALMADGE. If the President recommended a pay raise, the President pro tempore could make it zero or could make it 2½ percent or make it 5 percent or 10 percent in his discretion. Am I correct in my understanding?

Mr. McGEE. With a general increase for Federal employees, the President pro tempore complies. The separation comes with the staff members of the Senate committees and the Senator's staff members. Otherwise the application would apply automatically under the judgment of the President. Let us say it is 5 percent to Senate employees—not Senate committee employees or staff members.

Mr. TALMADGE. Then, I am still confused, I might say. The Senator has stated that the chairman of the committee would have the authority to fix the salaries of the staff of the committee.

Mr. McGEE. The Senator is correct.

Mr. TALMADGE. The Senator has further stated that individual Senators would, as now, fix the salaries of the staff people in their own offices. I understand that would leave the President pro tempore with the authority to make such salary increases or not make them, as he saw fit, to employees of the Senate proper. Do I correctly understand that?

Mr. McGEE. Anyone not under a jurisdiction. For instance, we have the Sergeant at Arms, who has his employees, and we have the Architect of the Capitol, who has his employees.

Mr. TALMADGE. That is right.

Mr. McGEE. They would have the decision as to whether to apply it in their cases.

Mr. TALMADGE. Am I correct in saying the President pro tempore could authorize it and the individual Senator or chairman of the committee would determine whether or not it would be applicable?

Mr. McGEE. That is precisely it.

Mr. TALMADGE. I thank the Senator for clarfying the matter, because I thought it was somewhat confusing.

Mr. PACKWOOD. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PACKWOOD. Could the Senator clarify something for me? Forget the legislative employees for the moment. Can the Senator tell me how many employees, percentagewise, we are talking about?

Mr. McGEE. About one-half of the civilian employees of the Government.

Mr. PACKWOOD. Let me make sure I understand. The President sets up this Council. It makes recommendations as to what the salary level should be.

Mr. McGEE. What the comparability figure might be.

Mr. PACKWOOD. Very well. Does that mean they establish what the pay scale should be?

Mr. McGEE. Yes. The Civil Service Commission actually makes the recommendation.

Mr. PACKWOOD. To the President?

Mr. McGEE. To the President. But this is in consultation with the Bureau of the Budget, and the Employee Advisory Council will be consulted on it. But the recommendation to the President is made by the Chairman of the Civil Service Commission.

Mr. PACKWOOD. What about the recommendation from the Advisory Council? The recommendation is made by the Civil Service Commission?

Mr. McGEE. Yes.

Mr. PACKWOOD. And the President has the choice at that stage to either submit it to us or an alternative?

Mr. McGEE. He does not submit it to us ever unless he rejects the recommendation.

Mr. PACKWOOD. That is what I was afraid of.

Mr. McGEE. If the recommendation is that there should be a 5-percent adjustment because of rising costs, whatever it is, this becomes the automatic increase for those Federal employees on October 1 of that year. If the President decides that is too much because of the times or because of some national emergency that it should not be allowed at all, and he so decides, in that case it has to be bucked back to Congress for both Houses for judgment, and either House can decide to take it.

Mr. PACKWOOD. I wish to pursue this matter further. This commission, the

Civil Service Commission, or whatever, finally made the recommendation to the President that there should be a 10-percent wage hike. At that stage that automatically becomes the pay scale. We do not veto that.

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. If he makes an alternative recommendation that is sent to Congress and either House may veto it; but if they do, the other one automatically goes into effect. Is that correct?

Mr. McGEE. That is right.

Mr. PACKWOOD. If we are now in an election year and the President suggests there should be a 25-percent hike in salaries—and this is his own recommendation—instead of the 12 percent recommendation suggested, Congress is stuck with two alternatives, either 25 percent or 12 percent. Then, the President is in a position to say, "I recommended the 25 percent and that niggardly Congress turned it down." We have to raise the money. But we have no alternative as to what it should be.

Mr. McGEE. The Senator's illustration carries the matter to a very extreme and most improbable situation. The problem now has been that in an election year Congress has been on the spot to provide a salary increase across the board for Federal employees for obvious reasons. We have sought a way, if we can, to keep Congress from being the object of the lobbying business, particularly in an election year.

However, we could not get them out completely, or get the President out as long as we have elections, but this removes it to a degree.

Mr. PACKWOOD. How does comparability work now? What commission does what and who recommends it?

Mr. McGEE. The Bureau of Labor Statistics submits its reading on comparability. That reading is 6 to 12 months behind.

Mr. PACKWOOD. That is submitted to Congress?

Mr. McGEE. To the President.

Mr. PACKWOOD. The President. Do they automatically have the force of law if the President submits them to us?

Mr. McGEE. The last 3 years it has been automatic once that reading was supplied. But it would not necessarily be automatic. That has been a coincidence.

Mr. PACKWOOD. Explain that to me again. I am not sure I understand that.

Mr. McGEE. For the last 3 years, beginning in 1967, when the Bureau of Labor Statistics made its reading public, this automatically was applied on a comparability basis.

Mr. PACKWOOD. And that increase went into effect without any legislative action at all.

Mr. McGEE. That is right.

Mr. PACKWOOD. I do not understand. All we are doing is transferring it from one agency to another if we do not act at the moment on the salaries.

Mr. McGEE. What we are doing that makes it different is we are asking it be done on a professional management basis in arriving at the formula for adjusting the wages in terms of comparability.

Mr. PACKWOOD. It is not done professionally now?

Mr. McGEE. It is open to question. This would use the Bureau of Labor Statistics, and the Bureau of the Budget would be involved, and the labor-employee group would be consulted.

Mr. PACKWOOD. We argued for 3 months out of this year whether the President should have all kinds of power in connection with foreign relations and here in one fell swoop we give him power over $15 or $20 billion a year; and we have misgivings about when he chooses between the recommendations of his council and we are stuck and have no choice of our own.

Mr. McGEE. It seemed to the committee the advantage for this was the mechanism for carrying out the policy of Congress in trying to arrive at the way in which comparability was reached.

Mr. PACKWOOD. Why do we not carry it out?

Mr. McGEE. We have, in a way, but it has been sporadic and in accordance with the ups and downs of election dates. To this extent it has not been even and often lagged in some categories where the realities would have recommended otherwise.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. AIKEN. Were the hearings printed?

Mr. McGEE. Yes.

Mr. AIKEN. When were the hearings held?

Mr. McGEE. It would have been in late August.

Mr. AIKEN. Of last year?

Mr. McGEE. A year ago.

Mr. AIKEN. 1969.

Mr. McGEE. I thought it was August or September.

Mr. AIKEN. I had not heard anything about the bill being considered.

Mr. McGEE. It was considered and passed by this body. This is a conference report, not new legislation.

Mr. AIKEN. Apparently it was passed at Christmas time last year.

Mr. McGEE. Yes.

Mr. AIKEN. It would be a wonderful Christmas present if it goes through, to a few people, but as to the rest of us I am not sure.

Mr. McGEE. I think the emphasis of it is the mechanism.

Mr. AIKEN. When we agreed to permit our salaries to be raised 41 percent, we were not in a very good position to hold down others. In the absence of Senator RUSELL, who is ill, ALLEN ELLENDER would be the acting dictator of the Senate. If we have to have one, I would rather have him than anyone else I could think of.

Mr. McGEE. He does not want to be one.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. WILLIAMS of Delaware. Do I understand if we approve this and this board makes a recommendation of x percent, and the President sends another recommendation, higher or lower, all we can do is accept or reject one, and if we reject the one the President sent, we automatically approve the other?

Mr. McGEE. That is correct. But we do not give up our right to legislate.

Mr. WILLIAMS of Delaware. It seems to me we are indicating that we are giving it up. Under the previous plan, which some of us objected to, we had a commission appointed that would send a recommendation down, but if we rejected that recommendation, nothing went into effect. It seems to me they are safeguarding here against the fact that Congress may want to reject one of these.

Suppose, for example, the commission recommended 20 percent and the President went down to 15 percent and the Congress felt we could not afford anything but 10 percent. We would have to accept the President's recommendation; otherwise we would be taking 20 percent.

Mr. McGEE. No. The Senate could pass a law.

Mr. WILLIAMS of Delaware. We could repeal that law, but if we are going to repeal the law to exercise our rights, why do we not just enact the law and then pass an original bill? My point is that if the Senate rejected the recommendation of the President which was 15 percent, because it was too high, it would already have approved the 20 percent.

Mr. McGEE. Yes.

Mr. WILLIAMS of Delaware. It looks to me like Senators had better turn in their resignations, as some of us have, if they feel they should not vote on it later. I feel I should vote on this proposal, at least, before I leave.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. McGEE. I yield to the Senator from Louisiana.

Mr. ELLENDER. I would like the Senator to tell us whether or not this bill has been debated on the floor of the Senate and to what extent.

Mr. McGEE. This provision in the bill was not debated on the floor. It was considered and discussed in committee, but not debated on the floor.

Mr. ELLENDER. The report we are considering is the work of the conferees of both houses.

Mr. McGEE. That is correct.

Mr. ELLENDER. And neither the Senate nor the House passed on the bill as reported by the conference.

Mr. McGEE. That is not correct.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield for a question?

Mr. McGEE. I yield.

Mr. WILLIAMS of Delaware. Do I understand that, because this is not in the Senate bill, it was not in either the House bill or the Senate bill?

Mr. McGEE. It was in the House bill.

Mr. WILLIAMS of Delaware. It was in the House bill?

Mr. McGEE. Yes, it was in the House bill.

Mr. WILLIAMS of Delaware. And the Senate accepted it?

Mr. McGEE. That is correct.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. McGEE. First let me yield to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I hope the Senator will correct himself. What is it that the House added in this bill?

Mr. McGEE. The House added this particular phase of the mechanism.

Mr. ELLENDER. But the mechanism that was in the House bill was stricken, and that mechanism provided for a veto by the House or Senate of any scale of rate made?

Mr. McGEE. That is correct.

Mr. ELLENDER. And the conference report struck that provision out.

Mr. McGEE. That is correct.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. GRIFIN. I am trying to understand the legislation and trying to follow the questions of the Senator. Is it the recommendation of the Federal Employees Pay Council that becomes effective?

Mr. McGEE. The answer is "No." The Federal Employees Pay Council is strictly an advisory group.

Mr. ELLENDER. The Senator is in error.

Mr. McGEE. In other words, they are not the ones that submit the formula. The formula that is finally passed on by the President is one that has heard the Federal Employees Pay Council, consulted the Bureau of the Budget, and then submitted the best recommendation from the chairman of the Civil Service Commission.

Mr. GRIFFIN. What is the name of the group, or commission, or whatever it is, and how is it made up that does make the final recommendation?

Mr. McGEE. It is the Civil Service Commission, the Bureau of the Budget, advisory to the President—it is the President's advisory group.

Mr. GRIFFIN. Is he limited in his appointment of that group?

Mr. McGEE. Yes; under these terms he is. That is, the Civil Service Commission and the Bureau of the Budget limit the President's advisory group. In the discussions we had on it, they were advised to go through the usual procedure with the Bureau of Labor Statistics, as one of the procedures they would go through.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. ELLENDER. What is the function of the Federal Employees Pay Council?

Mr. McGEE. The function is strictly advisory. This is the Employees Pay Council.

Mr. ELLENDER. That is not what the report says. The Federal Employees Pay Council is the body that fixes the rate of pay that is presented to the President.

Mr. McGEE. I thought the Senator said the Federal Employees Advisory Council.

Mr. ELLENDER. No.

Mr. McGEE. The Federal Pay Council is the group that makes the recommendation. I misunderstood the Senator.

Mr. ELLENDER. Who composes that council?

Mr. McGEE. The Civil Service Commission, the Chairman, and the Bureau of the Budget.

Mr. ELLENDER. The Senator is in error. They are some of the heads of the labor organizations here at the Washington level, appointed by the agents of the President.

Mr. McGEE. No. That is the Federal Employees Advisory Council.

Mr. ELLENDER. I am speaking of the Federal Employees Pay Council.

Mr. GRIFFIN. I refer the Senator to page 3.

Mr. McGEE. Referring to the top of page 3 of the report relating to the Federal Employees Pay Council, and I read now—"of five members who shall not be deemed to be employees of the Government of the Unilted States by reason of appointment to the Council and shall not receive pay by reason of service as members of the Council, who shall be representatives of employee organizations which represent substantial numbers of employees under the statutory pay systems, and who shall be selected with due consideration to such factors as the relative numbers of employees represented by the various organizations, but no more than three members of the Council at any one time shall be from a single employee organization, council, federation, alliance, association, or affiliation of employee organizations."

The Federal Employees Pay Council is strictly advisory.

Mr. ELLENDER. Will the Senator read it into the RECORD?

Mr. McGEE. I will read it into the RECORD. It is spelled out here.

The President's agent shall:

(2) provide for meetings with the Federal Employees Pay Council and give thorough consideration to the views and recommendations of the Council and the individual views and recommendations, if any, of the members of the Council regarding—

(A) the coverage of the annual survey conducted by the Bureau of Labor Statistics under subsection (a)(1) of this section (including, but not limited to, the occupations, establishment sizes, industries, and geographical areas to be surveyed);

(B) the process of comparing the rates of pay of the statutory pay systems with rates of pay for the same levels of work in private enterprise; and

(C) the adjustments in the rates of pay of the statutory pay systems that should be made to achieve comparability between those rates and the rates of pay for the same levels of work in private enterprise;

Mr. ELLENDER. It is the Federal Employees Pay Council that makes those recommendations. That is what I have been saying.

Mr. McGEE. Their views are only thoroughly considered by the group that is primarily responsible to the President. These are advisory opinions.

Mr. PACKWOOD. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PACKWOOD. Is the Advisory Committee on Federal Pay referred to on page 2 of the report the same as the Federal Employees Pay Council?

Mr. McGEE. No.

Mr. PACKWOOD. They are not the same?

Mr. McGEE. Where is the reference on page 2?

If the Senator will notice at the bottom of page 2, the final recommendation is transmitted to the President only by the President's agent, chairman of the Civil Service Commission. These others are advisory.

Mr. ELLENDER. What is transmitted to the President?

Mr. McGEE. The figure for the recommended increase, if there is to be one.

Mr. ELLENDER. And that is fixed by the Federal Employees Pay Council?

Mr. McGEE. That is one of the groups that recommend 6, 5, 10 percent, and so on.

Mr. ELLENDER. That is right and that is what I have been saying.

Mr. McGEE. That is subject to a different recommendation to the President by the President's agent.

Mr. ELLENDER. At any rate, suppose the Federal Pay Council fixes the rates and that recommendation is submitted to the President's agent; the agent submits it to the President?

Mr. McGEE. They submit it to the President's agent, not the President. The Chairman of the Civil Service Commission makes the final adjustment.

Mr. ELLENDER. That is only for the first 2 years. Thereafter there is a different organization.

Mr. McGEE. This is a permanent organization. It is not just for the first 2 years.

The President does it on his own temporarily, on the first two January 1st's for those years, until the mechanism gets going.

Mr. ELLENDER. But he gets advice from the Civil Service head?

Mr. McGEE. That is correct.

Mr. ELLENDER. And the Bureau of Labor Statistics?

Mr. McGEE. And the Bureau of Labor Statistics and the Bureau of the Budget.

Mr. ELLENDER. And those remain the agents for 2 years?

Mr. McGEE. That is correct.

Mr. ELLENDER. And thereafter they do not remain the President's agents.

Mr. McGEE. They are the President's agents.

Mr. ELLENDER. They are the President's agents the first 2 years, and then the Federal Employees Pay Council and another council that is appointed to take over; it is a different organization altogether, from what I can understand from this report.

Mr. McGEE. The President can designate some other group if he were so to decide, but his agent in the mechanism is the Chairman of the Civil Service Commission and the Bureau of the Budget.

Mr. ELLENDER. And what they do is simply transmit to the President what this Federal Employee Pay Council recommends.

Mr. McGEE. If that should be their decision.

Mr. ELLENDER. Yes.

Mr. McGEE. This is not a transmittal job. Their job is to make a judgment and recommend to the President, and among the factors that influence their judgment as it is spelled out is that they examine these statistics from the Bureau of Labor Statistics and they take the recommendations from the Federal Pay Council and assimilate them, and make their recommendation.

Mr. ELLENDER. Who composes the Federal Employee Pay Council?

Mr. McGEE. The five designated members from the various employee groups.

Mr. ELLENDER. And, as I have stated, this group will be the ones to make the recommendations as to what the pay increase shall be.

Mr. McGEE. They make their recommendation.

Mr. ELLENDER. Yes.

Mr. McGEE. They make their recommendation, not the recommendation. There is a difference.

Mr. ELLENDER. Those are the ones that will be considered and followed, though.

Mr. McGEE. Not necessarily. I think that is where we are missing the track here. That is not true. They make their recommendation of what they think is fair, but the President's agent is the one that has to make the final recommendation that the President accepts. They need not be the same, though they might be.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McGEE. I am happy to yield.

Mr. HOLLAND. I think I understand the Senator, and I hope that if I am wrong in what I say now, he will correct me.

As I understand it, the President's agent, who is the chairman of the special commission, considers all these recommendations that come in from the Federal Employees Pay Council, and also the coverage of the annual survey by the Bureau of Labor Statistics, and also the Advisory Committee, and the Civil Service Commission Chairman makes recommendations to the President.

Mr. McGEE. To the President, that is correct.

Mr. HOLLAND. All right. Suppose he recommends a 10 percent pay raise, based on all the facts and reports he has, and suppose the President, operating under section c(1) of the act, as shown on page 3 of the bill, because of national emergency or economic conditions, decides that that 10 percent is too much, and he recommends instead 5 percent, and that is what comes to Congress.

Mr. McGEE. That is, then, what comes to Congress; that is right.

Mr. HOLLAND. All right. Suppose one House of Congress turns down the President's recommendation of 5 percent. Then, if I understand this act, the recommendation of 10 percent which was made earlier by the Civil Service Commission, the agent of the President, would be come operative and go into effect.

Mr. McGEE. That is correct. That is my understanding.

Mr. HOLLAND. Mr. President, this would mean that the President's agent is given stronger standing, under this act, than the finding and recommendation of the President itself; am I right or wrong in that?

Mr. McGEE. That would be correct, in that instance.

Mr. HOLLAND. Mr. President, I could never support a measure under which, if the Congress turned down a smaller recommendation made by the President himself, we would go back to a larger recommendation made by someone serving as the President's agent.

Mr. McGEE. What is left out there, if I may say to the Senator, is that if it were this serious, and seemed to be a flagrant disregard of the wishes of the President, Congress has the legislative process directly available, and I hope would resort to it in a case like that.

Mr. HOLLAND. I understand. I think I understand that; and that would mean that if this machinery had been available to President Johnson and the President who suceeded him, who recommended that the congressional salaries be raised to $42,500, whereas the agency before that had recommended $50,000, if either House had then turned down the President's recommendation of $42,500, and this machinery had been in effect, the $50,000 salary would have gone into effect; am I right or wrong?

Mr. McGEE. If that were applied to Federal employees, but not Senators as in the Senator's illustration, that would be correct, yes.

Mr. HOLLAND. Again it seems to me that we are putting the agency ahead of the President and that we are making it possible for a House that is being highly pressured by employees of the Government to ignore a more economical recommendation made by the President than has been made earlier by his agent and go back to the less economical recommendation that is made by the President's agent, making the President's agent the final power, the final authority, who has raised salaries.

If I incorrectly understand this bill, I want to be corrected. But it seems very clear to me, after the brief study possible here, and I reinterate the fact stated by the Senator from Louisiana, that this provision did not appear in either of the bills and it has never been debated on the floor of the Senate before.

I could never agree to a program under which the President's agent is given more authority than the President himself.

Mr. McGEE. It seems to me that the one missing link in order to make that statement complete is that it also means that Congress can support the President, if the President cut it from 10 to 5 and there was no action.

Mr. HOLLAND. That is correct.

Mr. McGEE. And that prevails.

Mr. HOLLAND. I wonder whether the Senator thinks any pressure would be put upon Congress if the agent had recommended a 10-percent raise and the President, animated by his understanding of the economy, had cut that to a 5-percent raise. Would there be any pressure placed upon Congress by employees groups and employees?

Mr. McGEE. I am sure that in that circumstance pressure would be applied. It is applied constantly now. This would be on those selected circumstances such as the Senator has selected for his illustration.

The point still is that the judgment of Congress would be the turning factor, and if Congress is going to have bad judgment at a time like that, it is the responsibility of Congress.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HOLLAND. I have one more question.

There would be no way at all to maintain present salaries except by the passage of new legislation approved by the President, would there?

Mr. McGEE. That is correct.

Mr. HOLLAND. Under the situation I have named, the only choice left to Congress would be to approve either the 5 percent recommended by the President or the 10 percent recommended by the President's agent.

Mr. McGEE. Or to legislate otherwise.

Mr. HOLLAND. I say that the only choice, short of legislation, which would have to be approved by the President and passed by both Houses, would be, within 30 days, to either accept the 5 percent or go back to the 10 percent.

Mr. McGEE. Yes, that is correct.

I think it is fair to add that the theoretical possibilities on almost any mechanism in representative government are sometimes horrifying. I think we would be better grounded if we start with the assumption of honorable men, with good intentions, and that this would be the more average case that would arise on this annual basis. We have now been talking about extreme possibilities that could arise in these circumstances and how they would be resolved.

Mr. HOLLAND. I do not think that these are the maximum conditions that could arise. I do not think men who ask for a 10-percent raise are dishonorable, and I do not think it is a question of honor. It will be a question of pressure for the largest raise that has been suggested, whether it be by the agent of the President, which will have to be made known, or by the President himself. I would much prefer to give the President's recommendation higher standing than is given by this bill.

Mr. McGEE. Congress could take that action by not repudiating the President's decision.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. STENNIS. I will be quite brief in this matter. My position on it is the same as it was when we had the commission concerning our own salaries, that it was aborting our personal and official responsibility, which I think is one of the primary responsibilities we have.

The argument was made then that we ought to resort to some other method because we were directly involved personally. But now the system we adopted under that commission is being used as a precedent here to set up another.

My general, basic position—and it is a fundamental position with me—is that Congress has no right whatever under the Constitution, by any kind of subterfuge—call it what we will—to dodge its direct responsibility in this very important field, which involves billions of dollars. I certainly want justice to be done. I am not against all pay raises. I was one of those who voted the other day with reference to the administrative assistants. I thought that the ones who qualified were entitled to that pay.

I want to make this point: The primary part of this bill, as I understand it, has not been before the Senate before. It was not in the Senate bill. Only 10, 12, or 15 Senators have heard this debate. I do not blame them for not being here. With their other duties, there is not time, under this procedure, to get this matter developed before the Senate.

There is no report—it is scant, if any—that contains a full explanation. So there is no staff member who can read the report. The Senator may have some report. To what extent is this matter reported and backed up by testimony?

Mr. McGEE. The statement of the managers of the bill; a conference report.

Mr. STENNIS. It is not the usual presentation of testimony on this point, as I understand it.

It is unthinkable, if I may say further—thanking the Senator for his valuable work, as always—that we could adopt what I call a Rube Goldberg setup here; and I say that with all deference to the memory of that fine artist and entertainer, who recently passed away. Here is a trapeze that looks to me as though it is brought in with a double string on it, the recommendation of someone way out yonder—whom we do not know—and the other is a man who does have responsibility as President of the United States. We just make a vote here as to a choice between the 2, and whichever one goes down, the other one comes up. I have never heard of anything that goes to the vitals of government that is such a trapeze as this would be.

I believe we ought to provide some way to get Senators in here to hear the debate—to hear the facts, not to debate; just to hear the facts, so that we can make a judgment on it.

My opinion is that the primary responsibility is on us, that this thing, instead of helping anyone politically, if anyone has that in mind, can be a pitfall, a mine, or a stump hole that we could fall into; that the people at large want us to exercise our direct responsibility in this important field.

I thank the Senator very much for yielding to me. I am going to listen to the rest of the facts and hope I can be recognized.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. STEVENS. I think that the questions that have been directed to the chairman of our committee have missed the basic purpose of this bill, which is to establish comparability, throughout Government employment with wages paid in the private sector.

If anything, with due regard to my friend, if there is a Rube Goldberg system, it is the one that is in effect today. Congress, in effect, in the past years has had an across-the-board concept of increasing salaries, so that there has not been particular consideration for each grade nor comparability with the work that is performed in that grade to the wage concepts of private industry.

Is it not true that just the other day we passed the wage board bill, which involves the same principle on a local level? For example, in Anchorage, the Wage Board people have wage rates reviewed annually; they are reviewed in comparison to private industry, under the Bureau of Labor Statistics. And if the finding is that comparable wage rates in private industry are higher than those paid the Wage Board employees, the Wage Board employees automatically get a raise. We passed that the other day. We extended it into post exchanges, into the unappropriated fund area.

This is trying to face up to the total problem of salaries in Government employment and to put the salaries paid to Government employees on a comparable basis with those in private business.

I think the fears expressed here are the fears that the Chairman of the Civil Service Commission would look at Government wages and recommend increases that go across the board; whereas, this bill envisions a mechanism for establishing different rates of pay comparable to those paid in private industry—and private industry must take the lead if there is any increase at all. This is to provide comparable rates of pay in Government employment to those paid for similiar jobs in private employment.

We are trying to delegate the authority to do this on a scientific basis, with advice from the employees' group and from a separate advisory body, but leaving it to the President's agent to make the final recommendation as to what rates of pay shall be applied to each grade, each type of job, through the entire Government. It would take us years and years to try to get this pay schedule back into shape, where Government employees have comparable rates of pay for Government employees doing the same job that is done in private industry.

Is that not the main purpose of this bill—the mechanism for the adjustment of comparability?

Mr. McGEE. The Senator is correct. The whole focus of the bill is to try to make it possible for Congress to arrive where it legislated its intentions long ago—namely, comparability—to try to place on a comparable level in the various categories of employment in Federal service a salary return that meets fair competition from the private sector. That is the whole purpose of it, and we simply want to remove the uncertainty and chaos of the present mechanism and have some procedure that at least offers us a more orderly chance to arrive at that comparability judgment. It is the only purpose of the measure.

Mr. CHURCH. Mr. President, will the Senator yield for a question?

Mr. McGEE. I yield.

Mr. CHURCH. I see no objection in establishing a special board to assist in achieving comparability, and certainly the recommendation of that board should be brought to Congress, together with the recommendation of the President.

The part I do not follow is why we should bind the hands of Congress at that point. Let us have the recommendations for comparability. Let us have the suggestion of the President. But why, then, should not Congress be free to choose one recommendation or another, or some figure in between? Why should we delegate away the opportunity to exercise our own judgment at that point, which, after all, is the essence of legislative responsibility?

Mr. McGEE. The best explanation I could give to the Senator from Idaho is that in the years I have been on the Civil Service Committee, we have always been playing a game of catchup with Federal employees—and I mean really catchup. We run a little faster catching up every other year, when somebody is up for reelection. We lag behind in the years when nobody is running for reelection. It is an attempt to take it out of that context, if it is feasible, and still preserve the basic intent. That is the reason for the mechanistic approach that was suggested here.

Mr. CHURCH. With all deference to the Senator, I do not feel he has answered the question.

I can understand the need for comparability. I can understand the possible utilization of a special committee to make recommendations with respect to comparability. I understand that the President should have or say in the matter. Yet, after all that has occurred, this bill then ties the hands of Congress. It says, as the distinguished Senator from Mississippi mentioned a moment ago, that we have one or two choices, but that is all. No choice or choices lie in between. There is no discretion. There is no opportunity to come to our own judgment after we have had the recommendations.

This seems to me to be another abdication by Congress of its responsibility. With all respect to the Senator, he has not answered the question I posed.

Mr. McGEE. I apologize if I did not answer the question. I think the point that is valid is that Congress has not been in a position to meet the test of comparability. It has not taken the time. It has not had the inclination. It has been an uneven and a spotty performance. It was our feeling that comparability should be arrived at as a judgment in a far more scientific way than we have been prone to do up until now, and that in arriving at what is comparability, we have essentially removed the need for any critical serious judgment factor except in a national crisis of some sort, including an inflationary crisis, in which there is that reserve for the President of the United States.

Mr. CHURCH. The Senator has answered my question and has confirmed my misgivings. This bill represents an abdication on the part of Congress; we are turning over to an advisory committee not only authority to make recommendations with respect to comparability, but authority recommending a definite rate, too. If the President disagrees with that rate, we then confine ourselves to just one or the other, thus denying ourselves the right to exercise any judgment in between. For that reason, I am unable to support the bill.

Mr. STEVENS. The Senator from Idaho, so far as I am concerned, puts this into a fair framework that the Federal employee pay raises are based on 3 percent, 4½ percent, or 7 percent, across the board, and we are trying to

set up a mechanism whereby some might get none, some 20 percent, some 10 percent. If we do, we will have a pay plan which comes up every year to be adjusted on the basis of what is comparability to private employment.

For 8 years I was on the receiving end of what Congress did in terms of pay raises, as a Federal Government employee, and, believe me, it is not understandable from the other end of Pennsylvania Avenue. When one really looks at it, Congress has not faced up to the problem of adjustments within the total schedule, so far as what is comparable and what is sound in comparison to the private industry sector. This bill gives the Civil Service Commission and the Bureau of the Budget—two groups, incidentally, that have not been more generous than the Congress has been in terms of Federal employee pay raises—the power to make recommendations to the President. The President may then, if he wishes, change them and send them up here. But we—the Congress—are delegating, by this bill, the authority to the Civil Service Commission, as a practical matter, and the Bureau of the Budget, to make the recommendations for total comparability annually on the basis of an adjustment throughout the Government. That is not the same as we dealt with here in the past when we debated pay increases before and reached a compromise. That had no relation to total comparability to any particular portion of the Government. The mechanism for comparability is the thing we in the committee have sought.

Mr. McGEE. If I may add to what the Senator has said, the judgment that the Senate has exercised and that requires sober judgment, was whether Federal employees should be entitled to comparability. While the Senator has understandable misgivings about what is comparability, we believe that we come closer to arriving at a substantive comparability reading in this mechanism than to retreat to what I think the Senator unfairly calls senatorial judgment.

I do not think that is open to that kind of judgment, if one can arrive at the mechanism for taking readings on equivalent income in the private sector for that kind of job. I think that is where the gap is in our dialog here.

Mr. CHURCH. I follow the Senator's words, but not his reasoning. I have no objection to establishing comparability for Federal employees. That is a good objective. I understand it is difficult and complex. It may be beyond the technical capacity of congressional committees. I have no objection to referring that to a competent committee, under the law, so that thorough study can be made on a yearly basis, and that that committee could then make its recommendations as to what in its judgment would represent comparability for every Federal employee. However, that is not what I am objecting to in this bill.

What I am objecting to is that after the recommendation is made, then Congress is straitjacketed and placed in the position of either accepting the recommendation just as it is made, or a differing recommendation, just as it is made by the President, so that Congress would be confined to two choices—maybe only one.

Mr. McGEE. Three choices.

Mr. CHURCH. The third choice is not really a practical choice for, under the circumstances, the 30 days for new legislation would be subject to discussion. That third alternative is theoretical. It is not a real one. So, if we pass this bill, we will be confining ourselves to accepting one recommendation if the President concurs in it, and two recommendations if he does not, and denying ourselves any other choice or choices. That would be an abdication of our power and responsibility. It is typical of the trend in Congress over the years which, fortunately, many Senators are now trying to reverse, restoring the Senate to its proper coequal role in our constitutional system of government.

Mr. McGEE. I would like to try to rephrase this, while it is directly relevant. The judgment of the Senate and the responsibility of the Senate for decisionmaking, it seems to me, is constantly present there. We are proposing to set up a new mechanism for arriving at comparability, which we all say in our rhetoric we favor, and we have registered our support of comparability. We have recommended here a way of arriving at comparability if, in the judgment of the Senate in the exceptional cases, or the unusual cases, where there is a discrepancy between a recommendation by the President's agent to the President, or the President's judgment in regard to a national emergency. The Senate is constantly there judging, and would be required by its own conscience, I think, to put this into legislation.

At that point, if it so required it, the Senate has given up nothing. We have tried to facilitate the process without forfeiting that responsibility. I do not see that the Senate has given up its responsibility in this case. I think it has tried to make it possible for the Senate to keep up with the changing problems of comparability and remain the judge of the abuses of those judgments that the agent might make and, thus, to correct them through legislative power.

Mr. CHURCH. The Senator from Wyoming and the Senator from Idaho see the bill quite differently.

Mr. STENNIS. Mr. President, if I may make this observation, as I understand the Senator from Idaho, his point is that he does not object to the recommendations coming in, one or more, or two, at least, but what he is objecting to, as I understand it, is that if they come in here frozen, solidified, we have to take one or the other. When we reject one, we automatically have to take the other. Is that the substance of the Senator's argument?

Mr. CHURCH. The Senator from Mississippi is absolutely correct. The bill presently before us straitjackets the Congress. There are many considerations that have to be weighed in regard to increasing salaries, besides pure comparability, before a decision can be made.

Mr. STENNIS. Well, Congress can still change the rules. Why pass a law when we can keep the power we already have to change the law now?

It is something like a story from my hometown where one man says to the other, "Do you have a job?" The other man answers, "No."

The first man says, "Do you want to make some money?"

The other man says, "Yes."

The first man says, "Do you want to save some money?"

The other man says, "Yes."

The first man says, "If you earn some money and save some money then you will not have to work."

The other man says, "I do not work now."

So, if Congress has the power already, and it certainly does, we should keep that power and exercise it as soundly as we can. I am willing to go to any reasonable length——

Mr. McGEE. The Senator makes an excellent point there. Our feeling is that while the Senate has that power now, it has not been able to use it satisfactorily in terms of the changing levels of comparability with the private sector and measuring it in a scientific way. We are trying to fill that gap.

I would resubmit again, although I realize it is becoming repetitious, that the powers of this body have not been forfeited. We are not straitjacketed in these options. We have the full sweep of the options most of the time. I would be certain in predicting that most of the time the recommendations would be reasonable, they would be cautious and wise and there would be no question raised about it. That would be the typical one.

In cases where the President may have thought otherwise, it is necessary for the Senate and the House to determine. Finally, there is the third option that is constantly present that must never be dismissed, which would be the decision by the Congress that they can determine it. Congress has not given up that prerogative or responsibility.

But I think that in the predominant instance we would find conscientious comparability figures arrived at. It would be that there would be no challenge. We have really concentrated on fears and the possibility that something might happen which might not be more numerous.

Mr. PACKWOOD. Mr. President, where would the bill say that the President's agent is the Civil Service Commission?

Mr. McGEE. It does not say he is the agent. In this report, the practical operation of all Federal employee legislation throughout our experience has been the President through the Civil Service Chairman.

Mr. PACKWOOD. Mr. President, let me go through this once more, and see if I understand it. The President appoints his agent—the Civil Service Chairman or call him what we want—and, he appoints the Federal Employee Pay Council to give the agent advice.

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. And then we have an advisory committee on Federal pay which in essence gives the President advice. Its principal function is to report to the President and that would be one of the factors that the President considers.

Mr. McGEE. They are the three private citizens. The Senator is correct. What we have done is to diversify and broaden the base of sources of recommended pay action on the comparability figure.

Mr. PACKWOOD. Who makes the final recommendation, the President?

Mr. McGEE. The agent, the chairman of the Civil Service Commission.

Mr. PACKWOOD. If the President does not want to exercise his prerogative in the second alternative and changes it, is he stuck with that recommendation?

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. What does it mean here, going back to page 2 of the report, subsection 5305, (2) "after considering the report of his agent and the findings and recommendations of the advisory committee on Federal pay reported to him under section 5306(b)(3) of this title, adjust the rates of pay of each statutory pay system in accordance with the principles under section 5301(a) of this title, effective as of the beginning of the first applicable pay period commencing on or after October 1 of the applicable year; . . ."

Why does he have to bother to go to the Committee on Federal Pay if the agent's recommendations are the ones that are relevant?

Mr. McGEE. I think the directive in the mechanism simply provides for that as the final decisionmaking authority. It simply says in the language the Senator has just read, it seems to me, that the President would have access to review that. He does not have to take any agent's recommendation blindly without reviewing it himself.

Mr. PACKWOOD. Mr. President, I thought the Senator said he was stuck with the agent's recommendations.

Mr. McGEE. Mr. President, if he chose to change it, it goes directly to another process of decision, unless he challenges it.

Mr. PACKWOOD. Mr. President, let me go to page 15 near the bottom of the page where it reads:

> After considering the report of his agent and the recommendations of the Advisory Committee on Federal Pay, the President shall make such adjustments in the statutory pay systems as he determines necessary to carry out the comparability principlies . . .

We have not yet gotten to that second alternative of the President. What does that mean?

Mr. McGEE. Mr. President, in my opinion, this means that he is accepting the composite judgments that can be submitted.

Mr. PACKWOOD. Does he have power to make changes in the recommendations submitted?

Mr. McGEE. Yes.

Mr. PACKWOOD. I mean in the first step.

Mr. McGEE. If he makes the change, then the other process is set in motion.

Mr. PACKWOOD. No, because we get to the other process later on. I am curious about the first process.

Mr. McGEE. Is the Senator reading from the top of page 16?

Mr. PACKWOOD. Down in about the last one-fourth of page 16, section (c) of section 5305 of the conference substitute it is provided that if the President chooses to do something, he then goes into the second alternative or goes to the alternative of the agent's recommendations as shown by the report at the bottom of page 15. Before that second procedure, the President can change what his agent has recommended and can listen to the Advisory Committee on Federal Pay.

Mr. McGEE. These are the words of the manager of the bill in the House, rather than the law itself. What we interpret the law to mean in the language of the law itself is that in any case after the President has reviewed it, he has this safeguard of reviewing the prerogatives. But if the President's recommendations turned out to be different than that of the agent, if the President decided not to follow the advice of the agent, then the other mechanism is set in motion.

The agent's recommendations are final unless the President challenges them and wants to go to the second recommendation.

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. Then, the Congress has the two to consider together.

Mr. McGEE. Congress has three things to consider.

Mr. PACKWOOD. It has three, if we want to change the law or repeal it.

Mr. McGEE. Unless the Senator wants to move to abdicate the responsibility of the Congress. I do not want to do so.

Mr. PACKWOOD. I do not care whether the Senator calls it three or two. They have two alternatives.

Mr. McGEE. The Senator is correct. In most cases they would have one recommendation.

Mr. PACKWOOD. Mr. President, the Senator has indicated that in determining comparability there is no reason why this law could not read that Congress should appoint the agent and that he shall have an advisory committee and we can put them into effect.

Mr. McGEE. There is no reason why Congress could not do that.

Mr. PACKWOOD. Why are we not going that way?

Mr. McGEE. The answer is that it was thought under normal circumstances that we should delegate this responsibility to the executive to carry out the intent of congressional law.

Mr. PACKWOOD. Mr. President, forgetting the fact that Congress at any time has the right to change the law, the Senator says that Congress has the third altrenative under the present law which is that unless Congress acts, nothing automatically goes into effect.

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. And if we pass this, it automatically goes into effect unless Congress vetoes it.

Mr. McGEE. The Senator is correct.

Mr. ELLENDER. Mr. President, would the Senator explain this statement on page 15. It is a statement by the manager of the bill on the part of the House. It reads:

> The most significant difference from the House provision is that the President is directed to make the annual adjustments in the rates of pay; whereas, under the House provisions, adjustments in the rates of pay would become effective only after approval by the Congress of adjustments recommended by the Federal Employee Salary Commission.

What does that mean? Is it not a fact that the House bill provided that the pay scale should be sent to Congress and that Congress should be the one to make the determintaion?

Mr. McGEE. The Senator is correct. And one of the adjustments we made in an attempt to get it working was that accommodation. The Senator is correct.

Mr. ELLENDER. And instead of following the House language, the conferees proceed to this second alternative wherein if the President decides that the rates submitted are too high or too low, he then sends his own recommendations to Congress, and that is the only time Congress has a chance to vote on the matter. Is that correct?

Mr. McGEE. Well, no. We would assume that Congress has looked into the matter constantly and established the legislative third alternative, which is constantly present.

Mr. ELLENDER. That would necessitate a change in law, would it not?

Mr. McGEE. Yes; but Congress would complete that action.

Mr. ELLENDER. Of course Congress does have the right to repeal the law. Let us take the law as it will be if this conference report is adopted. If the President determines that the rate is too high and he reduces it, then his recommendation comes to Congress and Congress vetoes it. What happens?

Mr. McGEE. When Congress vetoes it, then the original recommendation prevails.

Mr. ELLENDER. Without Congress having a right to do anything except to provide funds with which to pay the pay hike recommended.

Mr. McGEE. No. Congress would have already had its say by vetoing the President's recommendation. The veto prevails. We are not leaving that to chance.

Mr. ELLENDER. But the President's recommendation, if vetoed, would be bypassed and the original recommendation would prevail.

Mr. McGEE. If that were the judgment of Congress, it would not be the first time Congress bypassed the President's decision. But Congress would not veto the President's decision unless it was the judgment of Congress it should go back to the other figure.

Mr. PACKWOOD. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PACKWOOD. The President does not send any alternative. Congress would act, and they could either veto it or not.

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD, At least we have a chance to veto, whereas under the first one we would not. We assume we are interested in achieving comparability. If, in the judgment of Congress, the President and his agent ran wild and for political reasons ran it up to 20 percent, 30 percent, or 40 percent, Congress would have a responsibility and a criterion in this mechanism to act. We are assuming the very extreme possibility that Congress has not given up anything. We have set up the mechanisms.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. STEVENS. What is more, in the wage board procedure we have already set up, pay raises are automatic and never come back to Congress. We give the President, in this bill, the alternative to recommend something different. If he recommends something different, we can choose between them. This is a different mechanism than we approved last week for wage board employees. Under that procedure the cost of living index would be determined by a comparability survey, and if there is an increase in private employment wage rates in that area, wage rates go up. I do not understand the reasoning which opposes this bill when the chairman and the conferees have given the Congress an extra chance to review increases when the President does not follow the Civil Service Commission recommendations.

Mr. PACKWOOD. I thought the chairman indicated the fundamental difference is now this recommendation would not go into effect unless Congress acts.

Mr. STEVENS. We were talking about wage board employees last week.

Mr. PACKWOOD. Whom does that cover?

Mr. McGEE. The blue-collar employees throughout the country. They are not covered by this.

Mr. STEVENS. This covers employees in the legislative branch and in the independent agencies, and those who are not blue-collar workers.

Mr. ELLENDER. Why did the conferees adopt this alternative plan rather than the original House plan?

Mr. McGEE. I must say we adopted it with some misgivings. We adopted it because we took the composite that came out. My plan would have been the best of all and someone else's plan would have been ideal. We have learned we must accept compromise if we are going to have legislation on the books that will work. I think this will work.

Mr. ELLENDER. But there was nothing in the Senate bill on the subject.

Mr. McGEE. That is right.

Mr. ELLENDER. The whole program was described and provided for in the House bill.

Mr. McGEE. That is right.

Mr. ELLENDER. And the conferees simply set aside the House version and adopted their own in conference.

Mr. McGEE. Only in that one step.

Mr. ELLENDER. But that is very important. The House version provided that the pay scale would be submitted to Congress, with the right to modify it if we desired, or to amend it, but it was stricken.

Mr. McGEE. We felt that would not have a chance to be tried.

Furthermore, we felt that the risk implicit in this is not as great as the Senator from Louisiana, the Senator from Idaho, and others believe. Our judgment was that this was a risk we could afford to take to see if we could get it off the ground. If it does not work, we can exercise our legislative responsibility.

Mr. ELLENDER. Who promoted the method adopted, the Senate side of the House?

Mr. McGEE. The consultations we had were with our colleagues in the House, the Civil Service Commission, and representatives from the White House. In other words, it was not an isolated judgment that was made.

Mr. ELLENDER. I go back to the proposition that no consideration was given to any Senate action because there was no Senate action.

Mr. McGEE. That is correct, except we spent a lot of time wrestling with it.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. STEVENS. I probably have interfered with the Senator's handling of this matter too much. But, I do wish to observe that when I was Solicitor of the Interior Department, my salary was around $20,000, as I recall. That was in 1960. The Solicitor of the Interior Department now receives in excess of $40,000. In 1960 my assistants' salaries were about $14,000 to $18,000. Today they are about $16,000 to $22,000.

In terms of what Congress has done to salaries in the executive branch, it has gone across the board with pay increases coming out of political compromises; we have entirely escaped the comparability we sought for jobs performed by people in Government whose salaries must be adjusted if we are to have the type of civil service system we must have.

I think this is a good mechanism which we will have more opportunity to review than in the wage board system or other systems we have set out. I might add our own pay system brought us a pay increase under a similar mechanism.

Mr. McGEE. Mr. President, I wish to call to the attention of the Senate that my colleague on the committee, the Senator from Alaska, was one of the leaders in our attempt to come to grips with the implications of comparability and in all the problems that go with it when we try to seek that comparability for Federal employees. His contributions here have been very helpful and constructive.

I also mention that the ranking minority member of the committee, the Senator from Hawaii (Mr. FONG) was one of the leaders in the dialog and the studies and the judgments that were made in this regard. Without the judgments of the Senator from Hawaii we would have been retarded considerably in our efforts.

Mr. President, I am ready to yield the floor. I understand the Senator from Louisiana would like to address himself to this matter. I am pleased to yield the floor at this time.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum, and I would like to have a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 460 Leg]

Aiken	Cotton	Hansen
Allen	Cranston	Holland
Allott	Curtis	Hughes
Baker	Dole	Jordan, N.C.
Bayh	Ellender	Kennedy
Bellmon	Ervin	Long
Bennett	Fulbright	Magnuson
Bible	Griffin	Mansfield
Brooke	Gurney	McClellan
McGee	Percy	Stennis
McIntyre	Prouty	Stevens
Miller	Proxmire	Talmadge
Moss	Randolph	Williams, N.J.
Packwood	Ribicoff	Yarborough
Pastore	Sparkman	Young, N. Dak.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Byrd, Va.	Hartke	Nelson
Byrd, W. Va.	Hollings	Pell
Case	Jackson	Saxbe
Church	Javits	Schweiker
Cook	Jordan, Idaho	Scott
Cooper	Mathias	Smith
Fannin	McGovern	Spong
Goodell	Metcalf	Symington
Gore	Mondale	Williams, Del.
Gravel	Murphy	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

SOCIAL SECURITY AMENDMENTS OF 1970

Mr. LONG. Mr. President, since midafternoon on yesterday, the Senate has been seeking a conference with the House of Representatives in order to complete action on the bill to increase social security benefits by 10 percent and to increase welfare benefits for the aged, blind, and disabled.

Meanwhile, the clock is running as this session is scheduled to come to an end at noon on Sunday, January 3. We have 4 days left.

As a Senate committee chairman, the RECORD should show that both I and our Senate conferees have been ready to meet on any basis whatever for the last 24 hours. It would be a sad state of affairs if this Congress fails to pass at least a cost-of-living increase for the 26 million people whose small incomes from social security have been sadly diminished by inflation.

Mr. President, like other members of the Committee on Finance, I worked very hard to pass a social security bill which provided more benefits and more social and economic justice than the package the House sent to us.

In order to do this I found it necessary to make the motion to strike down many very good legislative proposals with which I found myself in wholehearted agreement. It is somewhat difficult to ask a person to vote to strike down on the RECORD something with which he agrees. But this was necessary in order to break two, and possibly three filibusters that were developing in the consideration of this important social security measure.

The extent to which statesmen in the Senate were willing to sacrifice their prevailing views for the common good of the Nation reached a high point in the consideration of this legislation. The Senator from Georgia (Mr. TALMADGE),

and the two Senators from South Carolina deserve high praise for foregoing their trade amendment although the record will reflect that they had strong support for their position and could have prevailed if the Senate could have reached a vote on the trade matter.

The Senator from Connecticut (Mr. RIBICOFF), the Senator from Utah (Mr. BENNETT), and the Senator from Oklahoma (Mr. HARRIS) also deserve great credit for permitting the social security bill to pass without insisting on a vote on the family assistance plan for which they labored for months. Again, there were indications they might have prevailed if a vote could have been reached. But it became clear that a vote on these issues could not occur. Both of these examples could be multiplied many times over to indicate the unselfishness and devotion to duty evidenced by Members of the Senate in working out a legislative package which the Senate regarded as a vast improvement over the House bill.

It is disappointing to read in the papers that after so many Senators have gone beyond the call of duty to accommodate themselves to the views of others—to the extent that a bill passes by a vote of 81 to 0—that the other body will decline to even discuss the matter in a conference between the two Houses.

We have succeeded in passing a good bill by a unanimous vote and the Senate will be indeed disappointed if the House declines to show 29 million people the courtesy of considering the Senate amendments.

I wish the RECORD to reflect that at this point we, in the Senate, have done everything that we can do to get a conference with the House. From 4 p.m. Tuesday, the Senate has been calling on the House to act and the House sits with the phone ringing, declining even to lift the receiver from the hook. That is a metaphor. I have been to the House of Representatives to discuss this matter with Members, including the chairman of the Ways and Means Committee there.

I am aware, of course, that it is possible to pass a bill next year which would increase retroactively social security payments. If this procedure were to be followed, it would be July or August or later before 26 million people could have the benefit which they would otherwise receive on April 3 if the House would only permit us to complete action on this bill now.

To ask the poor and the social security pensioners to wait another 3 or 4 months or longer is completely unnecessary.

On measures containing far less difficult issues than the proposed social security increase, representatives of the Senate and House have been able to resolve their differences in less time than that which remains in this session.

Let me make it clear that I, for one, have no intention of being adamant about any provision contained in the Senate amendments to the bill. So far as I am concerned, I would insist on nothing more than that the House conferees give us the benefit of their honest judgment with regard to the Senate amendments.

Nor am I impressed with the argument that there are 100 items of "potential controversy" in the bill. This requires nothing more than 100 decisions by the conferees and, when men of good will work together, that sort of thing should be possible in less than 6 hours.

It might be that in the days remaining we could not resolve all the differences between the two versions. If I had my way, we would at least be caught trying. The Senate has never taken a "can't do" attitude about this bill. Today's apparent "can't do" attitude on the part of the House of Representatives is a new experience to this Senator. In years gone by, I have experienced a "won't do" attitude when dedicated and sincere statesmen from the House refused to agree to the viewpoint of the Senate.

In each of those cases, I have respected and even admired those who spoke for the House in discharging their duties as they saw them. But, I must say that it is more difficult to admire a "can't do" attitude when so much is involved in the interests of so many.

All we are asking is the opportunity to discuss the social security bill with the duly appointed representatives of the House. It is beyond this Senator's understanding that the House should be unwilling to so much as talk about the needs of 26 million social security recipients and 3 million aged, blind, and disabled welfare clients.

FEDERAL EMPLOYEE PAY COMPARABILITY SYSTEM—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a board of arbitration, and for other purposes.

Mr. ELLENDER. Mr. President, I should like to address myself to the pending question, and I am very hopeful that the Senate will reject this report.

The bill in question, H.R. 13000, was never considered by the Senate. It was never debated on the Senate floor. Even the House measure, when it was before the conferees, was not followed by the conferees.

In the House bill was a provision whereby the Senate was given the opportunity to amend, to change, or to do whatever it chose to do, with any suggestions made by the Federal Employees Pay Council in regard to pay hikes.

I should like to relate some history about this bill. It is somewhat mysterious. It has been on the calendar for more than a year; and it was only on December 8, this month, that the conferees met and produced the report that is now before the Senate. When the conferees met, particularly the Senate conferees, they had no guidance from the Senate because, as I said, the Senate itself never passed upon the question of providing a board, or of providing ways and means of fixing a wage scale. The House bill did. The House bill also provided that whatever recommendations were made by the board, the Senate would have the right to veto it, to change it, to amend whatever recommendations came from the board.

The bill passed the House of Representatives on October 14, 1969. It established a Federal Employees Salary Commission and a board of arbitration to implement the Federal employee pay comparability system by providing for annual adjustments in compensation of Federal employees upon adoption by Congress of a concurrent resolution approving the recommended pay increase. That was what was in the House bill. But we do not find it in the conference report.

Second, the bill was reported by the Senate Committee on Post Office and Civil Service on December 8, 1969. All House language was stricken. The new text provided for pay increases for Federal employees, other than congressional employees, as follows:

Four percent if employees earned less than $10,000; 3 percent if employees earned between $10,000 and $15,000; 2½ percent if employees earned between $15,000 and $20,000; 1 percent if employees were at the level of GS–15 or any comparable position; above a GS–15, no pay increase.

That, Mr. President, is the only matter that was discussed by the Senate, the matter of pay increases in line with what I have just stated.

The bill also provided a second rate increase effective July 1, 1970, so that rates of Federal employees would be comparable as of June 1969 to those in private industry, but in no event was the increase to be less than 3 percent.

This bill, as reported by the Senate committee, passed the Senate on December 12, 1969. I wish to again emphasize that the only matter that was discussed before the Senate was the pay increases I have just indicated.

The Senate returned the bill to the House, and the House disagreed with the Senate amendments, asked for a conference, and appointed its conferees. The Senate agreed to the conference and appointed its conferees. However, the conferees did not meet until December 8, 1970. That is this month. More than a year elapsed before the conference was held.

On April 8, 1970, the Senate considered and passed S. 3690, which authorizes an increase in pay of Federal employees by 6 percent retroactive to the first pay period beginning on or after December 27, 1969. This 6 percent increase in pay was determined to be necessary so that Federal employees salary rates would be comparable to rates in private industry as of June 1969.

Mr. President, I am wondering why it it that the conferees did not meet to make that decision, instead of proposing to the Senate a new bill. On almost the same day, the House put in a bill similar to the one put in by the Senate affecting pay increases, and both bills were passed by the respective Houses. There were

very little changes to be made in the two bills. The President signed the bill and it became Public Law No. 91–231, the Federal Employees Salary Act of 1970.

Thus, that public law substantially enacted the provisions of H.R. 13000 as passed by the Senate. For all practical purposes, I thought that H.R. 13000 was dead because, as I said, the matter involved, as presented to the Senate, pay increases only and that matter was determined by the bill subsequently introduced in the Senate and passed by the Senate, with one by the House. That settled the pay matter so far as H.R. 13000 was concerned.

As I said a moment ago, it was only on December 8 of this year that the conferees met.

Now what did the conferees have in mind?

Nothing from the Senate, because the matter that was considered by the Senate in H.R. 13000 was considered in another bill that was introduced under date of July 1, 1970. That was disposed of.

Now it would seem to me that the conferees might have at least followed the provisions of the House bill in respect to the creation of a commission that would fix the salaries and then submit its findings to the Senate. That provision was in the House bill, but the conferees bypassed it. They did not take that provision. They added another provision in the bill which does provide that if the President differs in his views from the rates prescribed by the advisory agency, he can lower them or he can raise them, and only in that case will the Senate or the House of Representatives have the opportunity to pass upon the matter.

If the President's views as presented to the Congress are vetoed by either House, it means that the wages fixed by the advisory agency that was created for the purpose of fixing the rates will prevail. Congress would have no opportunity whatever to pass upon the matter of raising or lowering the wages submitted.

Mr. President, I think this is an abdication of the powers of Congress to place in the hands of an advisory agency composed of five men chosen from the large unions here at the Washington level that have to do with the employees of the Federal Government, the power to fix rates of pay for Federal employees. It is that agency that will recommend to the President what the rates of pay should be, and the President can either accept them or make his own recommendations. And if the President decides that those rates are too low or too high, he may do so and send a message to the Senate and have the Senate vote the matter up or down within 30 days. If Congress should veto what the President suggests then the recommendations made by the advisory group would become effective immediately, giving Congress no power whatsoever to deal with or change or amend any of the rates of pay made by the commission.

Now, Mr. President, what does that mean?

If this conference report is adopted tonight, it will mean that beginning January 1, 1971, we will have an immediate increase in pay of an average of 6 percent, and that 6 percent will apply to all the employees in Government except the blue collar workers. It will trigger an increase in the wages of every serviceman in the country. In dollars, it would simply mean that beginning January 1, 1971, Congress would have to provide $2.2 billion to meet the pay that will arise, because of what is included in this conference report. It gives this advisory agency the opportunity to fix wages.

I will read to the Senate an interpretation of the conference report by Mr. Joseph Young, who writes the Federal Spotlight. Here is his evaluation of what would happen if the conference report is adopted. I presume that many Senators have already read the article:

Here are the highlights of the system about to be approved by Congress:

The Jan. 1 pay raises are expected to range from about 4 to 7 percent.

There will be another pay adjustment Jan. 1, 1972.

Starting in 1972 salaries will be upgraded each October. In 1972, therefore, federal classified employes will be in line for two pay raises. The October increments will virtually eliminate the time lag between government and industry pay.

The salaries of congressional employes and military personnel will also be adjusted.

Mr. President, as was pointed out earlier in debate the moment that this goes into effect, for classified employees, then the President pro tempore of the Senate and the Speaker of the House of Representatives will be empowered to increase the salaries of all legislative employees.

Reading further:

The President each year will adjust federal classified salaries based on recommendations made to him by an advisory committee on pay composed of three impartial outsiders he has appointed.

These five impartial appointees, as I said, are described in this report which I hold in my hand as being the heads of the large labor unions that control or are at the head of all of the labor organizations at the Washington level. I think there are seven or eight of them.

The committee will base its recommendations on reports furnished by the President's "agent," who will be jointly the Chairman of Civil Service Commission and the director of the Office Management and Budget, as well as on the proposals of a five-member federal employes pay council.

The employes pay council will consist of leaders of government employe unions with the largest memberships. The council will meet with the President's agent each year on the pay increases and if agreement can't be reached, the union's views will be submitted separately to the three-member advisory committee. Based on all the reports and findings, the committee then will present its recommendations annually to the President.

The President will order these into effect unless he feels that national emergency or economy conditions necessitate delaying, reducing or canceling the proposed pay raises.

In this event, he must inform Congress of his action no later than Sept. 1 of each year (starting in 1972 when the increments are to be made each October).

Congress then would have 30 days to override the President's rejection of his advisory panel's recommendation. This would be done by either the House or Senate by a majority vote disapproving the President's action. The pay raise recommendations would then take effect. On the Jan. 1, 1971 and 1972 pay recommendations Congress would also have 30 days to override an adverse presidential action dating from the time it received his message.

Mr. President, in other words, if the President desired to lower the recommendations made by the Advisory Council, he could send his recommendations to Congress and if Congress vetoed them, then the original recommendations of the Advisory Council would take effect. Congress, as I said, would have nothing to say about the matter except to provide the funds to pay for those pay increases.

Mr. President, I do not think Congress is ready to abdicate its right to fix salaries to an advisory committee appointed by the Civil Service Chairman and the head of the Budget Bureau.

Mr. President, I ask unanimous consent that the article from which I have been reading be printed in the RECORD together with a similar article by Mr. Cramer, and an article from the Newsweek of December 21, 1970, which indicate what would happen by way of pay raises if this method of increasing wages is adopted.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE FEDERAL SPOTLIGHT: SMOOTH SAILING INDICATED FOR CLASSIFIED PAY RAISE

(By Joseph Young)

Top officials of the Civil Service Commission and the Office of Management and Budget meet today to discuss implementation of the new system of semiautomatic annual pay adjustments for federal classified employes that has been approved by House and Senate conferees.

The meeting is a good tipoff that the legislation—once it is finally approved by Congress next week—will be promptly signed by President Nixon and that the initial pay raise averaging around 6 percent will be authorized by him, effective Jan. 1.

The mechanics of the new system won't be used this year because there is so little time left before the scheduled pay raise. Instead, the CSC and OMB will discuss the Bureau of Labor Statistics industry pay figures with the unions and from these discussions will make their recommendations to Nixon in the next few weeks.

However, the machinery setting up the permanent annual semiautomatic classified pay adjustments will be ready in time for the Jan. 1, 1972, salary revisions.

Here are the highlights of the system about to be approved by Congress:

The Jan. 1 pay raises are expected to range from about 4 to 7 percent.

There will be another pay adjustment Jan. 1, 1972.

Starting in 1972 salaries will be upgraded each October. In 1972, therefore, federal classified employes will be in line for two pay raises. The October increments will virtually eliminate the time lag between government and industry pay.

The salaries of congressional employes and military personnel will also be adjusted.

The President each year will adjust federal classified salaries based on recommendations made to him by an advisory committee on pay composed of three impartial outsiders he has appointed.

The committee will base its recommendations on reports furnished by the President's "agent," who will be jointly the Chairman of Civil Service Commission and the director of the Office Management and Budget, as

well as on the proposals of a five-member federal employes pay council.

The employes pay council will consist of leaders of government employe unions with the largest memberships. The council will meet with the President's agent each year on the pay increases and if agreement can't be reached, the union's views will be submitted separately to the three-member advisory committee. Based on all the reports and findings, the committee then will present its recommendations annually to the President.

The President will order these into effect unless he feels that national emergency or economy conditions necessitate delaying, reducing or canceling the proposed pay raises.

In this event, he must inform Congress of his action no later than Sept. 1 of each year (starting in 1972 when the increments are to be made each October).

Congress then would have 30 days to override the Presidents rejection of his advisory panel's recommendation. This would be done by either the House or Senate by a majority vote disapproving the President's action. The pay raise recommendations would then take effect. On the Jan. 1, 1971 and 1972 pay recommendations Congress would also have 30 days to override an adverse presidental action dating from the time it received his message.

The legislation also creates 20 additional supergrade jobs in GS–16 through 18 for new agencies recently created. It also provides travel allowances up to $10 a day for em-employes who must commute to remote cities, and it also provides quarters and subsistence allowances for employes of floating plants operated by the Corps of Engineers.

GOOD BILL

Government employe leaders are generally pleased with the pay reform bill.

They feel that by virtually eliminating Congress from its historic pay-setting role—except in cases where it will be able to override a President's denial of salary increases—it will do much to eliminate the political factors in setting government salaries.

By creating a semiautomatic annual pay adjustment system, it will insure that federal salaries will keep pace with industry, they feel.

The unions would like a little stronger voice in the pay-setting procedure, but feel that this will eventually be achieved through subsequent legislation by Congress. The eventual goal is regular collective bargaining negotiations with government on pay.

UDALL'S ROLE

Chief credit for the forthcoming new pay system belongs to Rep. Morris Udall, D–Ariz., the bill's author and the driving force in Congress to get a system where federal pay will be adjusted more or less automatically each year without political infighting and assuring government workers continuing pay comparability with those in the private sector.

[From the Washington Daily News, Dec. 10, 1970]

DEVELOPMENTS COMING FAST ON PAY FRONT

(By John Cramer)

Developments on the Federal pay raise front will come fast and furious in the next few weeks.

Like this:

First—Final House and Senate action on the conference committee report on H.R. 13000 with its new automatic pay-setting system for government's 1,100,000 classified and other white collar employes, and with its potential January pay raises for them.

The bill should breeze to final passage—no later than next week.

Second—Once the bill is approved, the President must submit pay raise proposals to Congress no later than Jan. 1. If the increases are sufficient to bring employes to the national average private enterprise level of last June, and retroactive to Jan. 1, they will take effect automatically.

But if the President proposes smaller or later increases, we then will have—

Third—The possibility that Congress will veto the President's plan. A majority vote by either House or Senate would do it. Action would have to come within 30 legislative days after the President submits his proposal. And if Congress vetoes, there'll be—

Fourth—Automatic increases to bring employes to the June, 1970, private level. They would take effect at the Start of the first pay period after the veto. In normal course, that would mean late February or early March.

NIXON MAY BALK

At this point, no one can predict what the President will recommend. But his new jawboning against inflation, and particularly against wage increases, strongly suggests he may be unwilling to propose January increases to bring employes to the June private level.

It suggests he'll propose smaller or later raises—and perhaps both.

So what sort of a raise would it take to bring employes to last June's private level?

Well, national average white collar rates advanced 5.7 per cent in the year ending June, 1969, and 6.2 per cent in the year ending last June—a total of 11.9 per cent.

But last spring's postal pay strike brought classified employees a 6 per cent increase retroactive to last January. Its effect, government pay experts said, was to put current federal rates roughly .25 per cent ahead of June, 1969, private rates.

So you subtract the .25 from the 6.2 advance in private enterprise for the year ending last June, and you come up with a prospective federal raise of 5.95 per cent.

CLOSE ENOUGH

That's close enough. Even so, however, it's strictly a rough figure.

For one thing, the way government pay schedules are constructed, the percentage increases in private rates over a year isn't always matched by a federal increase of the same precise pecentage.

The federal increase can be a little less; or even a little more.

But just for now, we'll settle for 5.95.

The Senate probably will act tomorrow on the conference report. The House will delay until conferees complete action on pending bills to increase the pay of wage board (blue collar) federal workers 4 per cent.

B-R-R-R-R!

Government can't be proud of the way it treats some of its employees.

Item one—Ft. Meyer firemen, assigned to the Pentagon helioport, are required to sit outside in coldest weather in a heaterless fire truck. They get heat only when they can borrow a portable heater. And technically, it's use is against regulations. Takes too long to remove in case of a 'copter accident.

Item two—GSA building guards assigned to Navy-occupied Ballston Tower No. 1 and Ballston Tower No. 2 buildings in Clarendon have it almost as bad. They're inside, but heat in the leased buildings is turned off at night, while blowers bring air from the outside remain on.

Item three—Navy employees in one unit of National Center Building No. 3 in Virginia report having had to work in 30-degree temperature Monday. They were told to go home early if they wished. As of yesterday, things were better.

Item four—On the sixth floor of National Center Building 3 yesterday, temperature was normal, but weird drafts blew thru some areas. Really weird, employees insisted.

AUTOMATIC PAY RAISE FOR FEDERAL WORKERS EVERY YEAR?

A major change in the way federal employes get pay raises is in the works.

From now on they can look forward, for the first time, to the prospect of getting annual increases.

A House-Senate conference recommended giving the President responsibility for raising the level of federal paychecks annually, as salaries in private industry go up.

Government employes, over the years, have complained that their pay increases lagged behind the private sector, primarily because Congress had to vote on each raise and was often late in doing so.

The new system would relieve Congress from that function unless it felt the President was not being generous enough with raises.

EARLIER INCREASES

The change comes after many years of trying to keep abreast of private-industry pay. Since 1962, legislators have approved nine raises for federal white-collar workers. In the past year and a half alone, these Government employes' salaries went up 9.1 per cent in July, 1969, and an additional 6 per cent last December. Postal workers received even larger increases during that time.

Postal workers are not covered by the new pay plan. In the future they will bargain wage rates with the newly formed postal corporation. Blue-collar employes also are excluded, but stand to get substantial wage boosts under other legislation pending in Congress.

However, all military personnel are covered by a separate law which states they must receive the same pay raises that federal white-collar workers do.

Some experts contend that, in many job categories, private and federal pay are now compatible and that Government workers in the lower clerical and stenographic positions have an edge over their counterparts in business.

The promise of annual raises for federal workers is believed certain to place heavy pressure on State and local governments, labor unions and some industries to grant similar hikes to keep their employes content and prevent them from seeking jobs with U.S. agencies.

There will be considerable impact on the federal budget as well. Each year, it is foreseen, raises will add billions of dollars to U.S. Government spending.

UNDER THE NEW PLAN

Though the President is trying to hold down inflation, he is expected to move quickly to increase Government paychecks once the bill is signed. It is anticipated Mr. Nixon will order a wage boost averaging 6 per cent for about 4.5 million white-collar and military employes effective in January, 1971. Cost to Government: about 2.2 billions in calendar year 1971.

Actually, the increases will vary from job to job, reflecting what is comparable in private industry. The pay-increase figures were given to the President recently by the Bureau of Labor Statistics. The President will be allowed to grant another raise by this method in January, 1972. But after that, pay increases under the "comparability" plan will be decided this way:

A five-man panel of representatives of the biggest employe unions will make their annual recommendations for pay raises to special advisers appointed by the President. After the proposals are studied, these advisers will send a final set of pay recommendations to the President. In the early stages, this advisory job probably will be shared by the Civil Service Commission and the Office of Management and Budget.

If the President accepts the recommendations, they would go into effect in October of each year.

Should the President decide the suggested pay hikes in any year would be too much of a strain on the economy, he could present an alternate plan to Congress. If Congress took no action within 30 days, the President's

plan would take effect. But if Congress vetoed the President, the more costly original recommendations given the President by the advisory group would set pay hikes.

THE PAYROLL AND COST

The promise of annual raises held out by this new system probably ends all hopes of ever cutting down the total cost of Government payrolls. For, as the charts on page 19 show, even though the number of Government workers has fluctuated, the payroll has gone up and up.

In the past year, there was a sizable drop in Government employment. The bulk of cutbacks came in military personnel, as the Administration reduced defense spending and wound down the war in Southeast Asia. But there were moderate declines on the civilian side, as well.

Nevertheless, the two big pay hikes workers got in 1969 boosted total Government payrolls almost 4 billion dollars for the fiscal year ended June 30, 1970.

Now it looks as though payrolls in fiscal year 1971 will be up another 2.7 billions, including the first increase expected under the new comparability plan to match private-industry pay.

Groundwork for these trends was set in the period between 1960 and 1970. Then Government's civilian force grew only about 24 per cent, but civilian pay climbed 109 per cent to 26.8 billions.

The average mean pay of a Government civilian worker in June of this year was estimated at $9,100, more than 70 per cent higher than 10 years earlier.

For white-collar employes, the results have been even more dramatic. They now have an average pay of $11,000, a jump of 94 per cent since 1960.

During the same 10-year period, military employment, spurred sharply by fighting in Vietnam, rose roughly 24 per cent, or about the same rate as civilian numbers. But military pay rose 112 per cent, to 22 billion dollars in 1970, a record for both peacetime and war.

PRIVATE INDUSTRY

Many companies are concerned about what effect the huge increases in Government pay, now promising to come year after year, will have on their own pay and hiring problems.

Most businesses in the Washington, D.C., area, where the greatest number of Government employes work, are sensitive to federal pay increases. If they do not raise the wages they pay to keep pace, key personnel can be lost to Government agencies.

Businessmen doubt that the impact on private industry in other cities will be anywhere nearly as great. The next-largest group of federal workers is in the New York City area, but the total there is only about one third of the more than 300,000 in the Washington area. Other city areas with more than 50,000 federal employes each include San Francisco-Oakland, Philadelphia, Chicago, Los Angeles-Long Beach and Baltimore.

The influence on State and local government hiring could be more immediate, some officials believe. Out of about 12.7 million civilians working for all levels of government in the U.S., more than 10 million are employed by State and local agencies. Where pay for similar jobs is below that of federal workers, discontent could arise.

However, during the last decade State and local-government payrolls have risen 156 per cent—a good deal faster than federal costs—to 58.9 billion dollars in 1969. During the same period, State and local employment increased by 61 per cent—again much more than the number of federal jobholders.

INCENTIVE FOR UNIONS?

Few doubt that labor unions will pay close heed to pay increases the Federal Government grants under the new law.

In recent months, labor has come under heavy fire for seeking large wage hikes, while the Administration battles to bring inflation under control. Union leaders have countered that the increases they want are to keep their members' pay in line with the cost of living.

If the President grants a 6 per cent increase to keep up with pay in private industry, it is likely unions will want to get their members in private industry and State and city agencies further hikes of at least that much.

Thus, the country faces this question: Will these annual Government raises merely reflect private pay, or will they tend to guide industry and unions in the direction of more private pay increases in the future?

Mr. ELLENDER. Mr. President, I do not want to take more of the time of the Senate. I prepared a letter some time ago which was delivered to every Senator, indicating the implications involved if the Senate adopted the pending conference report.

Mr. President, I am very hopeful that the report will be rejected because I think we are doing the President an injustice by placing him in a position where he will have to act on the recommendations of a certain council created by the bill in question. A 6-percent increase will mean an increase of $2.2 billion in Federal expenditures for Government workers and our military personnel.

Some time ago Congress raised the salaries of the clerks of the major committees to the tune of about $35,000-some-odd, and notwithstanding that raise, they would be entitled to an additional 6-percent raise if this report is adopted.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the letter that I addressed to every Member of the Senate—and I am sure that it was delivered—be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, D.C.

DEAR ———: The Conference Report on H.R. 13000 (the Federal Pay Comparability Act of 1970) will be considered before the Senate adjourns sine die, and I think you know that I will oppose adoption of the Report and will request a record vote.

I want you to understand the reasons for which I am opposing adoption of the Report. If all Senators understood the full implications of what is about to happen, I think a substantial majority might side with me in wanting either to reject the Report entirely or, at very least to have it recommitted with instructions.

Simply stated, neither the House Bill nor the Senate Bill delegated final Congressional authority over Federal wage increases, but the Conference Report does just this and is therefore most improper and is at least subject to challenge in substance, if not on a point of order.

The Senate bill simply did not touch on the subject; it did not delegate any final authority whatever over the enactment of wage increases.

The House bill set up a Commission whose recommendations still had to be specifically approved (or modified, or rejected) by the Congress.

The conference report, however, in Sec. 5305, sets up a remarkable system whereby the Congress will retain no option whatever in any given year to reject a wage increase, or even to design one of its own. We will instead be relegated to choosing between the recommendations of a Panel of "experts" yet to be named and the possible counter-recommendations of the President.

In any given year, this system would afford the Congress nothing more than a choice between what might be the lesser of two evils. As far as the Senate itself is concerned, we may not even have that choice, because rejection of the President's recommendations by the House would automatically put the recommendations of the Panel into effect. At that point nothing the Senate could do would have any effect whatever on what pay increases, if any, should go into effect. By the same token, the House would be denied any say in the matter once the Senate had rejected the President's recommendations, thereby putting the Panel's recommendations automatically into effect.

Although the substitute language of Sec. 5305 may have been technically proper for the Conference to recommend (because it results basically from striking part of a provision found in the House Bill) it is substantively improper because it results in a *major delegation of congressional authority which is clearly and emphatically beyond the intention of both the Senate in its bill and the House in its bill.*

I sincerely hope that you will look carefully into this matter and will help me in having this Report either rejected so that the Senate can have full debate on the subject or at least recommitted with instructions to our conferees that they secure a provision which does not delegate away any more of the Congress' final authority over Federal wage increases than does the provision in the House-passed bill. Under that language, we would retain full power to accept, reject or modify recommendations from the Panel or the President.

To adopt the Conference Report in its present form would give away that power on a *permanent* basis, because to get it back would require new legislation which would itself be subject both to filibuster and to the presidential veto.

In view of the seriousness of this threat to the Congressional power over Federal pay scales, I hope you will join me on the floor for a detailed examination of the Report when it is called up.

With personal regards, I remain

Sincerely yours,

ALLEN J. ELLENDER,
U.S. Senator.

P.S.—I think you realize also that if this Report is adopted, it will mean an across-the-board 6% increase on January 1, 1971, for all classified and military personnel at a cost of $2.2 billion. Under the workings of the peculiar and totally-unpredictable mechanism described above, it will also provide for additional increases on January 1, 1972, on October 1, 1972, and on every October 1 thereafter. Assuming that the two increases scheduled for 1972 are also on the order of 6% each, we will have given 5 increases, totaling 37.7%, in a period of only three years and four months—July 1969 to October 1972. This is hardly a way to fight inflation!

Furthermore, if after adoption of the Report the President pro tempore adjusts the pay of Senate employees in an equivalent manner, the top salary of one person in your office would exceed $35,200. This particular result directly contradicts a 51–33 record vote on December 14 in which the Senate specifically rejected a provision in the 1st Supplemental Appropriations Bill which would have raised the top assistant's salary to $35,496.

As I understand it, these adjustments could increase the Committee Staff maximum to $36,000.

Mr. ELLENDER. Mr. President, in that letter I indicated:

Assuming that the two increases scheduled for 1972 are also on the order of 6 percent each, we will have given five increases, totaling 37.7 percent, in a period of only 3 years and 4 months—July 1969 to October 1972. This is hardly a way to fight inflation.

Mr. President, as I said, it would put the President in an awkward position. I do hope that the report is rejected.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. HOLLAND. Mr. President, I strongly support the position just stated by the distinguished Senator from Louisiana. I strongly hope that the Senate will not be in a position to abdicate or surrender its own jurisdiction in the way proposed by the conference report.

I call attention to several specific objections that I have to this report at this time. First, this particular plan has never before been before the Senate. It has never been the subject of hearings by the Senate or any of its committees. We have no report based upon this particular plan embraced in this conference report which differs very greatly from both the Senate bill, as originally passed, which has already been enacted—or more than already enacted because the more generous salary bill was enacted in 1970—more generous than the original Senate bill passed in 1969.

We have not had this matter before the Senate. It has not been debated here. We have not had hearings. We have not had a report on it and we do not have a report on it now.

The second objection I have is to the way the conference report is drawn. It subordinates the President to his agents who, we are told, will be the Chairman of the Civil Service Commission or the Director of the Budget, or both of them. They are not named in this bill. They are simply named as the President's agent, whomever he might appoint.

Under this bill various committees are set up. The Senator from Louisiana has mentioned them. First, there is the Federal Employees Pay Council of five members, who are the heads of the employee unions of civil service employees. The article by Mr. Young states they will be the heads of the largest civil service unions.

Second, there is required the appointment of an advisory committee of three members. This is provided for in section 5306 of the bill on page 5. They are supposed to be not otherwise employed in government. They are supposed to be recommended to the President for his consideration as persons generally recognized for impartiality, knowledge, and experience in the field of labor relations and pay policies.

I remind the Senate of a somewhat similar bill, where the rights of Congress were much better reserved than under this bill, where a similar Commission of impartial men from business recommended pay raises which were so large that then-President Johnson could not agree to them. That Commission recommended a $50,000 rate for Members of Congress. The President, in his judgment, thought that was too much and cut the amount to $42,500. That Commission recommended similarly high rates for various members of the judiciary. The President, in his judgment, cut down some of them materially before he made any report to Congress.

However, under this bill, this advisory committee and the Federal Employees Pay Council make their recommendations to the President's agent, who, as I said, would be either the Chairman of the Civil Service Commission, the Director of the Budget, or someone named by him, or both of them, and those people are said to be the agent of the President under this bill. They, after considering these recommendations, and in the effort to accomplish comparability of pay, which all of us desire to see accomplished, recommend a pay rate which they think will be comparable to pay rates in private industry.

Mr. President, I call attention to something that was mentioned by the distinguished Senator from Alaska and which has not been mentioned by anyone else in this debate. These rates will not be equal as to all classifications any more than were the rates recommended by President Johnson some time ago. They will be addressed to each of the groups in the effort to obtain comparability in the judgment of the President's agent. When the plan comes to us, if it comes to us at all, it will have to come because the President disagrees with his agent. If the President does not disagree with his agent, whatever that plan is, we have surrendered to the President, who announces the program as recommended to him by the agent. We have agreed in advance to that.

We are asked by this bill, therefore, to abdicate our right to consider the plan, if the President recommends the plan that is recommended to him by his agent. I do not think Congress is ready to abdicate its right yearly—more than yearly for the early future, but on a year by year basis for the indefinite future—to have anything to say about pay raises.

Particularly do I think it is unwise when we remember what we did when the President's program came to us, which I mentioned a while ago, in which $42,500 was recommended as the rate of pay for Members of Congress. We changed some details of that plan because we had the right. We had reserved to ourselves the right to pass upon the merits of the proposal, and its several details.

We do not reserve any such right at all under this particular conference bill to make any change at all if the President approves what his agent recommends and simply sends it to us. It is something which will take effect regardless of what we do unless we pass a law to set it aside. The Presiding Officer (Mr. SPARKMAN) knows how difficult it would be to pass such a bill in the limited time set out here, which is 30 days.

It is only when the President varies from the recommendation of his agent that the plan comes to Congress, so Congress has the right to either accept the President's plan or reject it within 30 days and, therefore, to go back to the plan recommended by his agent.

In other words, if the agent recommends a program of pay rates that averaged a 10-percent increase, and if the President because of his feeling that the Nation was not in a condition to justify such a raise, recommended an average 5-percent pay raise, we would have a magnificent choice between the average 5-percent rate and the average 10-percent rate, and that is the only choice we have. If we turn down the President's more economical plan, under this bill we go back to the original plan, the average of 10 percent.

This has been admitted by the sponsors of the bill in colloquy with the few Members of the Senate who were here. I wish more Members of the Senate had been here.

I repeat that in the event the President refuses to pass on the recommendation of his agent, but instead refuses it, the magnificent right is reserved to Congress to either approve or disapprove the President's recommendation and should we disapprove it we go back to the recommendation of his agent. We have only the choice between those two programs and no other choice. There is no doubt about this. It is admitted by the sponsors of the bill and the handlers of the conference report.

To me it is rather unthinkable that in the first instance we are asked to approve a program under which if the President approves his agent's recommendation we have no jurisdiction at all. It would not even come to us; and in the second instance if he disapproves those recommendations and sends us different ones, let us say reduced ones as in the case of President Johnson, we have the choice of either approving those reduced recommendations as a whole or disapproving them, and in the event we disapprove them we go back to the agent's recommendation, meaning we put the agent before the principal. That is what we are asked to do or to be permitted to do under the terms of this conference report.

Mr. President, for the reasons I have stated, it would seem to me completely intolerable for this Congress to seriously consider approving this conference report—a conference report that sets up a new plan, appearing in neither the Senate bill nor the House bill, a new plan on which there have been no hearings, on which there has been no report, on which there has been no debate heretofore, because we have never seen it until it comes here in the form of a conference report more than a year after the original bills were passed.

For the reasons which I have cited, but particularly for the reason that I think this Congress should not even think about surrendering, abjectly resigning, its rights entirely in such a manner, and particularly in view of the fact that we might find some recommendations which we approve in a general set of recommendations, and some which we disapprove but are unable to get at, I think we should reject the conference report; and I strongly plead that the Senate do just that—reject the conference report.

The PRESIDING OFFICER. The question is on the adoption of the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), the Senator from Illinois (Mr. STEVENSON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Nevada (Mr. CANNON) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from North Dakota (Mr. BURDICK) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER), the Senator from Nebraska (Mr. HRUSKA), and the Senator from South Carolina (Mr. THURMOND) are absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

On this vote, the Senator from Delaware (Mr. BOGGS) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Delaware would vote "yea" and the Senator from South Carolina would vote "nay."

One this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 40, nays 35, as follows:

[No. 461 Leg.]

YEAS—40

Baker	Javits	Percy
Bayh	Jordan, N.C.	Proxmire
Bible	Kennedy	Randolph
Brooke	Magnuson	Ribicoff
Byrd, W. Va.	Mansfield	Saxbe
Case	Mathias	Schweiker
Cook	McGee	Scott
Dole	McGovern	Smith
Goodell	McIntyre	Stevens
Gravel	Metcalf	Talmadge
Griffin	Mondale	Williams, N.J.
Hartke	Moss	Yarborough
Hollings	Nelson	
Jackson	Pell	

NAYS—35

Aiken	Ervin	Murphy
Allen	Fannin	Packwood
Allott	Fulbright	Pastore
Bellmon	Gore	Prouty
Bennett	Gurney	Sparkman
Byrd, Va.	Hansen	Spong
Church	Holland	Stennis
Cooper	Hughes	Symington
Cotton	Jordan, Idaho	Williams, Del.
Cranston	Long	Young, N. Dak.
Curtis	McClellan	Young, Ohio
Ellender	Miller	

NOT VOTING—25

Anderson	Goldwater	Muskie
Boggs	Harris	Pearson
Burdick	Hart	Russell
Cannon	Hatfield	Stevenson
Dodd	Hruska	Thurmond
Dominick	Inouye	Tower
Eagleton	McCarthy	Tydings
Eastland	Montoya	
Fong	Mundt	

So the conference report was agreed to.

Mr. CANNON subsequently said: Mr. President, when the vote on Federal pay legislation was called, I was unavoidably detained and arrived on the floor 2 minutes after the vote had been concluded. I would like the RECORD to show that had I been here for the vote I would have voted "no" on the conference report on Federal pay legislation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 18582) to amend the Food Stamp Act of 1964, as amended.

LEAD-BASED PAINT POISONING PREVENTION ACT—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. CURTIS). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, as follows:

CONFERENCE REPORT (H. REPT. No. 91-1802)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Lead-Based Paint Poisoning Prevention Act".

TITLE I—GRANTS FOR THE DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

GRANTS FOR LOCAL DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

SEC. 101. (a) The Secretary of Health, Education, and Welfare (hereafter referred to in this title as the "Secretary") is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out local programs to detect and treat incidents of lead-based paint poisoning.

(b) The amount of any such grant shall not exceed 75 per centum of the cost of developing and carrying out a local program, as approved by the Secretary, during a period of three years.

(c) A local program should include—

(1) educational programs intended to communicate the health danger and prevalence of lead-based paint poisoning among children of inner city areas, to parents, educators, and local health officials;

(2) development and carrying out of intensive community testing programs designed to detect incidents of lead-based paint poisoning among community residents, and to insure prompt medical treatment for such afflicted individuals;

(3) development and carrying out of intensive followup programs to insure that identified cases of lead-based paint poisoning are protected against further exposure to lead-based paints in their living environment; and

(4) any other actions which will reduce or eliminate lead-based paint poisoning.

(d) Each local program shall afford opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint poisoning elimination programs.

TITLE II—GRANTS FOR THE ELIMINATION OF LEAD-BASED PAINT POISONING

SEC. 201. The Secretary of Health, Education, and Welfare is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out programs that identify those areas that present a high risk to the health of residents because of the presence of lead-based paints on interior surfaces, and then to develop and carry out programs to eliminate the hazards of lead-based paint poisoning.

(a) A local program should include:

(1) development and carrying out of comprehensive testing programs to detect the presence of lead-based paints on surfaces of residential housing;

(2) the development and carrying out of a comprehensive program requiring the prompt elimination of lead-based paints from all interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing on which lead-based paints have been used as a surface covering, including those surfaces on which non-lead-based paints have been used to cover surfaces to which lead-based paints were previously applied; and

(3) any other actions which will reduce or eliminate lead-based paint poisoning.

(b) Each such program shall—

(1) be consistent with the appropriate local program assisted under section 101, and

(2) afford, to the maximum extent feasible, opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint elimination programs.

TITLE III—FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

SEC. 301. The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead-based paint poisoning in the United States, particularly in urban areas, and the methods by which lead-based paint can most effectively be removed from interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing. Within one year after the date of the enactment of this Act the Secretary shall submit to the Congress a full and complete report of his findings and recommendations as developed pursuant to such program, together with a statement of any legislation which should be enacted, and any changes in existing law which should be made, in order to carry out such recommendations.

TITLE IV—PROHIBITION AGAINST FUTURE USE OF LEAD-BASED PAINT

PROHIBITION AGAINST USE OF LEAD-BASED PAINT IN FUTURE CONSTRUCTION AND REHABILITATION

SEC. 401. The Secretary of Health, Education, and Welfare shall take such steps and impose such conditions as may be necessary or appropriate to prohibit the use of lead-based paint in residential structures constructed or rehabilitated after the date of enactment of this Act by the Federal government, or with Federal assistance in any form.

TITLE V—GENERAL

DEFINITIONS

SEC. 501. As used in this Act—

(1) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(2) the term "units of general local government" means (A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, (B) any combination of units of general local government in one or more States, (C) an Indian tribe, or (D) with respect to lead-based paint poisoning elimination activities in their urban areas, the territories and possessions of the United States; and

(3) the term "lead-based paint" means any paint containing more than 1 per centum lead by weight (calculated as lead metal) in the total non-volatile content of liquid paints or in the dried film of paint already applied.

CONSULTATION WITH OTHER DEPARTMENTS AND AGENCIES

SEC. 502. In carrying out the authority under this Act, the Secretary of Health, Education, and Welfare shall cooperate with and seek the advice of the heads of any other departments or agencies regarding any programs under their respective responsibilities which are related to, or would be affected by, such authority.

APPROPRIATIONS

SEC. 503. (a) There is hereby authorized to be appropriated to carry out the provisions of title I of this Act not to exceed $3,330,000 for the fiscal year 1971 and $6,660,000 for fiscal year 1972.

(b) There is hereby authorized to be appropriated to carry out the provisions of title II of this Act not to exceed $5,000,000 for the fiscal year 1971 and $10,000,000 for the fiscal year 1972.

(c) There is hereby authorized to be appropriated to carry out the provisions of title III of this Act not to exceed $1,670,000 for the fiscal year 1971 and $3,340,000 for the fiscal year 1972.

(d) Any amounts appropriated under this section shall remain available until expended when so provided in appropriation Acts; and any amounts authorized for the fiscal year 1971 but not appropriated may be appropriated for the fiscal year 1972.

And the Senate agree to the same.

RALPH W. YARBOROUGH,
HARRISON A. WILLIAMS,
TED KENNEDY,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
PETER H. DOMINICK,
J. K. JAVITS,
GEORGE MURPHY,
WINSTON PROUTY,
WM. B. SAXBE,
Managers on the Part of the Senate.

WM. A. BARRETT,
HENRY REUSS,
T. L. ASHLEY,
WILLIAM MOORHEAD,
WILLIAM B. WIDNALL,
SY HALPERN,
WILLIAM STANTON,
Managers on the Part of the House.

Mr. YARBOROUGH. Mr. President, the principal author of this bill is the distinguished Senator from Massachusetts (Mr. KENNEDY). I am one of the coauthors. As chairman of the Subcommittee on Health, I have heard the testimony. Senator KENNEDY has been very diligent in pursuit of the measure and so have some Senators across the aisle in the other party, and some Members of the House. We have diligently pushed this bill.

This bill is designed to help local governments develop programs to eliminate the causes of head-based paint poisoning that affects almost 400,000 children annually, causing 200 deaths and leaving many thousands permanently mentally retarded. This is not some new disease recently found. This is something that has been going on for scores of years, and we have known it for scores of years, and it is one of those things about which we have done nothing up to this time.

Several cities have led in this country in doing something about it on a local basis—notably Baltimore, Md., and Cincinnati, Ohio, Boston, Chicago, and New York are now following suit, but in most of the country practically nothing is being done.

Children between the ages of 1 and 6 are afflicted with something called pica.

I do not think it is a disease, but it is a trait of those years of age in children, they go around eating almost anything they can get their hands on—paint, dirt, most anything. They often become permanently retarded if they eat lead-based paint, which they find peeling off the walls, usually of old buildings.

The Senate bill authorized $24.5 million annually for 3 years; the House bill authorized $15 million annually for 2 years. The conferees agreed on $10 million for the first year—fiscal 1971—and $20 million for the second year—fiscal year 1972. Since 6 months of 1971 are already passed, we consented to the lower figure the first year, and raised the House figure for the second year.

The distinguished Senator from New York (Mr. JAVITS) made a notable contribution to this. He proposed that we cut out the third years authorization, to have time to amend this law and improve it after the first year and a half.

It is hoped that the bill will be a proven success after the first 2 years and Congress can enact an extension with a larger appropriation.

I urge my colleagues to approve this conference report on a very worthy bill.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. KENNEDY. First of all, I urge the adoption of the conference report by the Senate.

I commend the chairman of the Subcommittee on Health, the distinguished Senator from Texas (Mr. YARBOROUGH), for the work he has done on the measure. He has had strong bipartisan support.

I see the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) on his feet. He has been extremely interested in this program and proposal and has a somewhat different approach, but he has been extremely helpful in the development of the measure.

This is one of the most significant and important pieces of legislation to come out of our committee this year. It is not a measure of massive scope, but best estimates are that the adoption of this conference report will result in the saving of the lives of 200 children in the next year. It is therefore a matter of great importance. It has had strong support on both sides of the aisle, and I am grateful for its passage.

I join the distinguished Senator from Texas in urging adoption of the conference report, and I commend him for the work he has done in the matter.

Mr. SCHWEIKER. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. SCHWEIKER. Mr. President, I commend the Senator from Texas for his leadership in this area, as well as the Senator from Massachusetts. They have been very diligent in pursuing this matter.

I think this is one of the few cases in which we can point to a disease and we say that we know how to stop it, and all

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY; NOT TO BE QUOTED OR CITED)

For actions of December 31, 1970
91st-2nd; No. 211

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HIGHLIGHTS: Senate cleared food stamp amendments and coffee agreement extension for President.
House cleared Federal pay comparability bill for President.
Sen. Talmadge and Rep. Alexander criticized USDA's administration of 1971 cotton program.

HOUSE

1. PAY COMPARABILITY. Agreed to the conference report on H. R. 13000, to authorize the President to adjust the rates for the statutory pay systems, and establish an Advisory Committee on Federal Pay. This bill now goes to the President. p. H12586-96.

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2. TAXATION. Agreed to the amendment of the Senate to H. R. 16199 to establish a working capital fund for the Treasury Department. Sent to the Senate for further action. p. H12572-8

3. FEED GRAINS. Rep. Findley referred to a meeting with people from the Agriculture Department and his proposal to permit farmers hit with corn blight to have soybeans considered as feed grains for maintaining the historical base. p. H12614-5.

4. COTTON. Rep. Alexander stated that he is convinced the USDA has badly shortchanged cotton farmers. p. H12615.

5. OUTLAYS. Both Houses received a letter from the Director, Office of Management and Budget transmitting the final report relative to the fiscal year 1970 outlay limitation on the budget; to the Committee on Appropriations (H. Doc. 91-436). pp. H12650, S21608

SENATE

6. COFFEE. H. R. 19567 was passed to continue the International Coffee Agreement of 1968 until June 30, 1971. This bill now goes to the President. p. S21679-80

7. TARIFFS. The bill, H. R. 7627, to revise the tariff schedules with respect to the classification of certain sugars, sirups and molasses was passed and cleared for the President. p. S21824 (printed in Record No. 212)

8. CITRUS GROVES. H. R. 19242, to extend the farm-loss tax deduction for citrus groves to almond groves was passed, with amendment, and sent back to the House. p. S21826-7 (printed in Record No. 212)

9. FOOD STAMPS. Agreed to the conference report on H. R. 18582 extending and revising the Food Stamp Act of 1964 clearing the bill for the President. p. S21681-94

10. TAXATION. Agreed to the House amendment to the Senate amendment to H. R. 16199 establishing a working capital fund for the Treasury Department to continue certain excise taxes. This bill now goes to the President. p. S21707-8

11. NATIONAL PARK. Senator Yarborough referred to the timely nationwide support for the establishment of Big Thicket National Park and inserted a symopsis of citizen petitions. p. S21615

12. COTTON. Senator Talmadge expressed his dismay regarding the Department's actions in regard to the 1971 cotton program. p. S21638-9

humanity. I commend that lesson of history to our State Department.

In closing I urge once again that the full persuasive power of our Government and our people be brought to bear so that the Kremlin finally lives up to its announced policy of permitting emigration to those who wish to reunite with relatives abroad. The Russians could spare themselves, the rest of the world, and most particularly, the Jewish community in the Soviet Union, the agony of continuing oppression if they would simply let the Jews emigrate.

Mr. ADDABBO. Mr. Speaker, I have joined with several of my colleagues in introducing House Resolution 1336 expressing the concern and protest of the House against the treatment of the Jewish people of the Soviet Union and urging the President to convey the concern of this body and of the people of the United States to the Government of the Soviet Union.

For several decades we have witnessed the increasing oppression of Soviet Jewry and the policy of spiritual genocide implemented by the government of that nation. Protests against the treatment of Soviet Jewry have also increased over the years—both in the United States and in other free nations around the world. The most recent and shocking oppression of the Jewish people in Russia and the death sentence imposed on two Jews accused of treason have literally stirred the conscience of civilized people in all capitals of the world. Protests and pleas for clemency have poured in to Moscow during the past days and it is imperative that the United States add its voice to those pleas for justice.

The 11 persons accused of treason are specifically charged with violation of a Soviet prohibition against leaving that country. Their crime then, if any, was attempting to leave the Soviet Union. The desire to escape from captivity is a civilized desire and the punishment of that effort to escape by death can only be described as uncivilized.

This Nation must convey its official concern over this incident if we are to seriously consider ourselves the leader of the free world. The resolution which has been introduced today is identical to Senate Resolution 501 passed by the other body yesterday. It simply states the concern of the House over the treatment of the Jewish people in the Soviet Union and urges the President to convey the concern of the people of the United States to the Government of the Soviet Union and to urge the commutation of the two death sentences and equitable treatment for all Soviet Jews.

I urge my colleagues in the House to give speedy and unanimous approval to this resolution as an indication of the bipartisan and overwhelming protest by the U.S. Congress against the oppression of any minority group by any nation.

Mr. ABBITT. Mr. Speaker, I strongly support House Resolution 1336, expressing the sense of the House in the matter of treatment of Jews in the Soviet Union. This issue has been dramatized by the recent sentences imposed by the Soviet court in Leningrad, but the gravity of this situation far transcends this one incident.

There is no question about the calculated design of the Soviet authorities to impose undue restrictive measures against Jews in that country. For years the Kremlin has been repressing the rights and privileges of Soviet Jews, dating back to the Stalin era. Now the present Kremlin leadership is stepping up these tensions as part of a worldwide program for undermining the State of Israel. Surely the Russians did not expect that the actions in Leningrad would remain isolated and pass without notice in the world community. Obviously, they took into consideration the reaction which followed and one can only conclude that this was part of the effect they hoped to achieve.

The defendants in Leningrad were accused of treason, but their primary "crime" was that they wanted merely to leave the Soviet Union and go to Israel. The one non-Jew said he wished only to see Scandinavia. These are rights which any other country recognizes without question. The intimidation with which Soviet Jews have been confronted for many years creates situations in which those who seek freedom have little choice in the manner in which their objective must be obtained. In this case, the facts are not known. All we know are sketchy reports which have come out of the highly restricted Soviet judicial and communications systems. We may never know the truth, but what we do know is that the sentences meted out by the Soviet authorities were excessive in the extreme. If they are carried out, these victims will take their places alongside the countless millions of Jews who have suffered untold tyranny through the centuries.

The hypocrisy of the Soviet system is made clear in that on the one hand they profess to open court adequate appeal rights and thorough investigations, while on the other hand it is obvious that none of these rights are accorded in the sense in which our system guarantees. The Russians are quick to criticize the inadequacies of our civil rights guarantees while, by comparison, even at our worst, we attract foreigners to our shores, not discourage or intimidate those within our midst.

All of this points up a need to emphasize anew the world's concern for the mistreatment of Jews in Russia. Has the world forgotten the lesson learned in World War II when millions of Jews were exterminated during Nazi oppression? Surely, the lesson learned then was that oppression against Jews ultimately involved the whole of mankind, for those who used totalitarian methods against one body of people soon sought to increase their tyrannical goals.

The rallies held throughout this country are testimony to the concern which Americans feel and it is hopted that if our Government will indicate in the strongest terms possible its indignation, the weight of world opinion might yet bring a commutation of the sentences.

We believe that people should have a right to choose their own destiny and any nation which seeks to systematically repress the rights of a particular group is wrong. In this instance, it appears that the Soviets seek not only to repress Jews within their borders but to show their disdain for the State of Israel as a part of Soviet foreign policy. If this assumption is in error, the Russians can right a wrong by taking corrective action to make their intentions more clear.

Mr. BURKE of Florida. Mr. Speaker, the entire free world was shocked at the announcement on Christmas Eve that the Soviet Union planned to execute two Jewish citizens who were allegedly thwarted in an aborted attempt to hijack an airplane by which to escape to Israel. The bizarre handling of the secret "trial" of 11 Soviet nationals—nine of whom are believed to be Jews—is indeed reminiscent of the terrorizing purges of Josef Stalin.

What little information that has been made available, indicates that of the 11 involved in this trial, five had repeatedly asked to be able to leave the Soviet Union and emigrate to Israel.

As a rule, the Soviet Communist-controlled press does not print news of crimes of either a civil or a political nature. In this particular case, however, both Izvestia and Pravda had the story in their papers on the day following the arrests of these 11, and of the arrest of others allegedly a part of a conspiracy in four different cities.

It has been said, Mr. Speaker, that "Soviet Jews are the Jews of Silence," allowed to speak only with their eyes. But there has been in recent years a burgeoning Jewish culture rise, a pride, and determination, unmatched in Soviet Jewry for many years. It is this knowledge by Soviet leaders for a possible uprising against the relentless persecution of Godless communism that has led to a concerted and systematic terrorizing of the entire Jewish community in the Soviet Union.

These tactics of imprisonment, banishment to Siberia, and harrassment are essentially the same as used by Stalin in the purges of the Soviet doctors in 1953.

On June 22, 1969, the Soviet Union agreed to the United Nations International Commission on Racial Discrimination, and Article 13 of that document specifically commits signatory nations to allowing those who wish to leave their homelands to do so. The Soviet Union is specifically, therefore, in violation of a treaty to which it is formally committed.

It is, I think, a hopeful sign that the Soviet Union is sufficiently responsive to world opinion to have rescinded the death penalty and to have lowered the terms of imprisonment. But now it must heed the warnings of these and other attempts of Soviet nationals to leave the Soviet Union and abide by the agreement to which it has committed itself and allow those of its citizens who wish to emigrate to other lands to do so without fear or penalty.

Mr. BINGHAM. Mr. Speaker, I rise in strong support of this resolution expressing grave concern over the harsh penalties imposed by the Soviet Union on Jewish citizens charged with conspiring to hijack a Soviet airliner, their only means to escape Soviet persecution. I am happy to have been a cosponsor of this resolution.

I believe that the New York Times was correct in recently pointing out that "The real defendants in the court were not the handful of accused, but the tens of thousands of Soviet Jews who have courageously demanded the right to emigrate to Israel." That is why this resolution is still most timely, even though the death sentences have been commuted and other sentences reduced. This action was welcome and shows that the Soviet Union is not immune to world opinion. But it leaves the basic problem unresolved and indeed it leaves the sentences in this case cruelly harsh.

Coming during this holiday season which symbolizes the brotherhood of man throughout the world, the Soviet action was a clear reminder of the crass disregard for individual liberty and freedom that exists behind the Iron Curtain. The day after Christmas, I sent the following telegram to Soviet Ambassador to the United States Anatoly F. Dobrynin, whom I know personally:

As you know I am not for cold war and hope to see peace and friendship between U.S. and U.S.S.R. As such I urge you to convey to your government the degree of shock and protest felt by the American people at the Leningrad sentences. The New York Times editorial today, entitled "Stalinism in Leningrad," expresses my feelings precisely. Your government should not make the mistake of believing that the sense of outrage felt by Americans is limited to those of the Jewish faith.

I also signed a joint communication sent on December 21 to Ambassador Dobrynin pleading on behalf of the defendants in this case before the verdict.

Mr. Speaker, I have spoken out many times on the Soviet oppression of its Jewish citizens and you may remember that in April 1967 I led an effort to focus attention on this most urgent of problems with the release of a long and detailed statement on Soviet Jewry, a statement signed by 300 Members of the House of Representatives. The statement condemned Soviet suppression of Jewish religious, cultural, and spiritual life. It was particularly significant that the signers of this resolution—185 Democrats and 115 Republicans, from every State in the Union—represented all shades of opinion, and that the list included the honored Speaker, Mr. McCORMACK, the majority leader, Mr. ALBERT, the minority leader, Mr. FORD, as well as the chairman and the ranking minority member of the House Foreign Affairs Committee.

When I released this joint statement, I said that—

It is our devout hope that such an expression of strong disapproval of the Soviet Union's discrimination against the Jewish people will help to awaken the sensibilities of the Soviet Government to the worldwide condemnation of its policies in this respect and exert a positive influence for improvement.

Clearly, the Soviet memory is short. They must be reminded that the world community will not sit by and watch with equanimity while they systematically ignore basic human rights. Freedom to emigrate was guaranteed by article 14 of the Universal Declaration of Human Rights, which the Soviet Union signed, and was further guaranteed by a convention ratified by the Soviet Union in January of 1969. When this right is denied, surely the individuals who sought the only means available to them to escape oppression, are "not guilty" in any moral sense and should surely not be severely punished.

The New York Times editorial referred to, reads as follows:

STALINISM IN LENINGRAD

Incredulity and indignation have been justifiably and widely aroused by the Leningrad court that handed down death sentences against two of eleven defendants found guilty of having plotted to hijack a Soviet plane. The senseless brutality of this verdict is apparent from the fact that no hijacking actually took place, and the alleged conspirators were arrested before they ever boarded the plane. Moreover the information of the Soviet secret police about the whole matter was so complete that the suspicion must arise that the supposed hijacking plot was a provocation arranged by a government agent.

This trial would not have received world attention nor would it have ended with death sentences if it were simply an ordinary criminal proceeding. On the contrary, this was one of the most important political trials held in the Soviet Union since World War II. The real defendants in the court were not the handful of accused, but the tens of thousands of Soviet Jews who have courageously demanded the right to emigrate to Israel. The real purposes of the death sentences is not to punish individual criminals, but to terrorize Soviet Jews. This is an even more brutal technique than that Stalin used successfully to quell the upsurge of Zionist feeling among Soviet Jews immediately after Israel was born.

But Moscow may have miscalculated, in 1949, at the height of the dark night of Stalinist terror for all Soviet citizens, Soviet Jews were cowed by a ferocious newspaper campaign against "rootless cosmopolitans," a code term for Soviet Jews sympathetic to Israel. But this is 1970; Stalin has been dead for many years; and since his passing numerous peoples have won freedom or alleviation of their plight by Courageous struggle. Less than a week ago the Polish working class overthrew Wladyslaw Gomulka when he overstepped the bounds of dictatorial insensitivity to a people's wishes.

In the new atmosphere of the 1970's, the barbarous, Stalinist verdict in Leningrad—especially if the executions are carried out—will almost certainly react against the Kremlin. Inside the Soviet Union it will inflame many Jews and members of other non-Russian minorities as well. In the free world, it will deal a further blow to those who have argued that Russia has changed since Stalin.

The new distrust of the Soviet Union that this and other recent repressive measures has aroused is well reflected in the "grave concern" over Soviet justice that this city's five district attorneys have expressed in requesting permission to attend the trials of 20 other Jews arrested in connection with the alleged hijacking plot. Moscow, in short, would be far wiser if it opened the "seven locks," of which Nikita S. Khrushchev spoke in his memoirs and permitted free migration for all its citizens, Jews and non-Jews alike.

Mr. MORGAN. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members have permission to extend their remarks on the resolution just agreed to.

The SPEAKER. Without obligation, it is so ordered.

There was no objection.

CONFERENCE REPORT ON H.R. 13000, IMPLEMENTING FEDERAL EMPLOYEE PAY COMPARABILITY SYSTEM

Mr. DULSKI. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 456]

Abbitt	Denney	Kleppe
Adair	Dent	Kluczynski
Addabbo	Diggs	Landrum
Anderson, Calif.	Dingell	Langen
	Donohue	Lennon
Anderson, Ill.	Dorn	Long, La.
Anderson, Tenn.	Dowdy	Lowenstein
	Dwyer	Lujan
Andrews, Ala.	Eckhardt	Lukens
Andrews, N. Dak.	Edmondson	McClory
	Edwards, Ala.	McCulloch
Ashley	Edwards, Calif.	McDonald, Mich.
Aspinall	Edwards, La.	
Baring	Erlenborn	McEwen
Bell, Calif.	Esch	McKneally
Berry	Eshleman	McMillan
Biaggi	Evans, Colo.	MacGregor
Blackburn	Evins, Tenn.	Martin
Blatnik	Falion	Mathias
Bow	Farbstein	May
Brock	Fascell	Meskill
Broomfield	Ford, William D.	Michel
Brown, Calif.		Miller, Calif.
Brown, Mich.	Fountain	Minshall
Broyhill, N.C.	Fraser	Mize
Broyhill, Va.	Frelinghuysen	Moorhead
Buchanan	Friedel	Morton
Burlison, Mo.	Fulton, Tenn.	Mosher
Burton, Calif.	Gallagher	Moss
Burton, Utah	Gaydos	Murphy, Ill.
Button	Gettys	Murphy, N.Y.
Caffery	Giaimo	Myers
Carney	Gibbons	Nelsen
Carter	Gilbert	Nichols
Casey	Goldwater	O'Konski
Cederberg	Gray	O'Neal, Ga.
Celler	Griffiths	O'Neill, Mass.
Chisholm	Grover	Ottinger
Clark	Gubser	Pepper
Clausen, Don H.	Haley	Pirnie
	Hanley	Poage
Clawson, Del	Hanna	Pollock
Clay	Hansen, Wash.	Powell
Collier	Harvey	Price, Tex.
Collins, Ill.	Hastings	Purcell
Collins, Tex.	Hawkins	Railsback
Conyers	Hays	Randall
Corbett	Hébert	Reid, Ill.
Cowger	Henderson	Reifel
Cramer	Holifield	Rhodes
Cunningham	Howard	Riegle
Daddario	Hull	Roe
Davis, Ga.	Johnson, Calif.	Rooney, N.Y.
de la Garza	Johnson, Pa.	Rooney, Pa.
Delaney	Karth	Rosenthal

Rostenkowski	Snyder	Waggonner
Roudebush	Stafford	Watts
Rousselot	Staggers	Weicker
Ruppe	Steiger, Ariz.	Whalen
Sandman	Steiger, Wis.	Whalley
Schadeberg	Stephens	Wilson, Bob
Scherle	Sullivan	Winn
Scheuer	Taft	Wold
Sebelius	Talcott	Wright
Shipley	Thompson, Ga.	Wydler
Sikes	Tiernan	Wyman
Sisk	Tunney	Yatron
Smith, Calif.	Ullman	Zion
Smith, N.Y.	Vigorito	

The SPEAKER. On this rollcall, 232 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 13000, IMPLEMENTING FEDERAL EMPLOYEE PAY COMPARABILITY SYSTEM

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read the title of the bill.

(For conference report and statement, see proceedings of the House of December 9, 1970.)

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from New York (Mr. DULSKI) is recognized.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. UDALL), the author of the bill.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. UDALL. I yield to the gentleman.

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. HALL. Is the gentleman in the well, my friend from Arizona, the author of the bill or the author of the conference report. If so, which bill—the bill that was in the other body or the bill that passed this body? The distinguished chairman said he yields to the gentleman from Arizona, my friend, who is the author of the bill. I am just not quite sure which bill we are discussing.

The SPEAKER. The Chair believes the inquiry should be directed essentially to either the chairman of the committee or the gentleman from Arizona.

Therefore, the Chair expects the parliamentary inquiry should be directed either to the chairman of the committee or to the gentleman from Arizona.

The Chair would like to be able to answer the question as a parliamentary inquiry, but the Chair does not think it proper to do so.

Mr. HALL. If the gentleman will yield, I would pose the same question, although I always address the Chair, to the gentleman from Arizona.

Mr. UDALL. I would be happy to enlighten the gentleman as to the history of this legislation.

In October of 1969, nearly 15 months ago, this House passed the bill H.R. 13000, of which I was one of the drafters and sponsors. The bill as then presented would have created a permanent system of fixing salaries of Federal employees.

The bill went to the Senate, where, in December 1969, it was stripped down into a plain old pay raise. We went to conference in 1970. Because of the postal strike and some intervening events, that conference was idle for many months, and in December of this year, 1970, the conference was reconvened to determine what we should do about pay for 1.3 million Federal civilian employees and, incidentally, what would be done for the nearly 3 million men in the armed services, because they will be affected by what happens to this bill.

I helped draft the conference committee substitute which is now before us. I also helped draft the original bill. I hope that answers the gentleman's question.

Mr. HALL. If the gentleman will yield further, it really does not. Your distinguished chairman and my friend yielded to you as the Member who was the author of the bill. All I want to know is whether it was the original bill, H.R. 13000, or whether it is the conference substitute or——

Mr. UDALL. We are dealing today with the conference substitute. I do not deny paternity of it, either. I had something to do with the drafting of both. I think the question, the narrow question, in these 40 minutes of debate, if we take it all, is whether this conference substitute is a good bill and whether it should be approved or defeated. I think it is a good bill and should be approved.

Mr. HALL. If the gentleman was the mother of the bill, who was the father?

Mr. UDALL. I do not know. I have not figured out the ancestry entirely. But I am prepared to defend the bill and explain it. That is what I hope to do in these 5 minutes, if they have not already expired.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. On October 14, 1969, when H.R. 13000 came to the floor of the House, I, along with 50 other Members of the House, opposed it. At that time it was, I believe, pretty well known that the administration was vigorously opposed to this legislation and I was also on the merits. I am now told that the content of the bill before us is quite different from the version that came before us in October 1969. Is that an accurate statement?

Mr. UDALL. The gentleman is correct.

One of the main reasons the gentleman and others opposed the bill is that at that time we set up a permanent system of fixing pay regularly, in an orderly manner, and with comparability adjustments. In that procedure in the original bill the President was left out. We created a salary commission. When the salary commission acted, its findings and decisions would come to the Congress, we would vote it up or down, and then it would take effect.

The President felt very strongly, as overseer of the whole Federal establishment and as the one required to make up the Federal budget, that he ought to be taken into the procedure. We met that objection over months of negotiation with the Civil Service Commission and the Bureau of the Budget, and the President, I am told—and the gentleman is more of a spokesman for him than I am—now approves this bill and would like to see it enacted.

Mr. GERALD R. FORD. The executive branch of the Government has made known its views as to what ought to be the content of the legislation before us and, as I understand, the content before us does contain the recommendations that were made by the executive branch of the Government. So as of now the head of the Civil Service Commission endorses the legislation. The head of the Office of Management and Budget likewise endorses the legislation. The net result is that the objections originally raised by the President no longer exist. It is good legislation and I support it.

Mr. UDALL. I thank the gentleman from Michigan for that statement. I am proud and pleased that in this bill the Federal Government is taking the lead, because I foresee if we do not do something, if this is voted down today, next year the same trends and the same unhappiness in the Federal establishments that brought on the postal strike, and the same kind of unhappiness and frustration that brought on the slowdown of the aircraft controllers is going to erupt.

We have had all these problems in this country. We have seen raises in other fields of 20 percent or 30 percent. If this bill passes, what will happen is that we will have a Federal pay raise of probably 5 or 6 percent next year. Unless we pass this bill and unless we see to it that we will have some machinery to take care of the problem, I foresee we will have more and more teachers' strikes and strikes of all kinds of public employees.

This is an attempt to set up an orderly, rational, sensible system to make the adjustments in a decent way.

I am proud to say the AFL–CIO supports this, and President Nixon supports this, and the major employee independent union supports this. I think this is a fine way to discharge our responsibilities in the adjustment of Federal pay.

Mr. OLSEN. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Montana.

Mr. OLSEN. Mr. Speaker, the only thing we are talking about is comparability and competition in having people employed by the Federal Government on a comparable basis with those employed in private enterprise. That is all we are talking about.

Mr. UDALL. That is right. I thank the gentleman for the contribution he made as a conferee and as one of the people who helped put this conference report together.

Mr. Speaker, I want to answer some of the questions that have been raised by some of my colleagues about the application of this bill to the employees of the House, to the legislative branch employees. We wanted to have a permanent system that would apply to the employees in the executive branch, and the question arose about what we should do regarding our own employees. The

bill approaches it in this fashion. If through this process, this regular annual adjustment process, the salaries of the regular employees are adjusted by 5 percent, let us say, then the allowance available for House employees, for the Members' staff allowance, would be automatically adjusted by 5 percent, or 6 percent, or whatever the figure is.

There have been many complaints previously that we automatically made increases to employees of Members, and to employees of the House committees. This bill takes a different approach. There will be no automatic increase, but the salary allowance of Members, the clerk-hire allowance of each Member will be changed. If there is a 6-percent increase for the classified employees, there will be an increase of 6 percent, for example, in the clerk-hire allowance. The Member who now has $133,500 in staff allowance would go to $141,510—but no employee would get that extra money unless the Member himself decided to allocate some of that. The Member could allocate some of it, or none of it, or all of it in increases. He could hire new staff members, for example, under the bill out of the House Administration Committee, which increases from 13 to 15 the number of staff positions allowed.

So I think this is a sensible, sound way to handle that particular problem.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Indiana.

Mr. DENNIS. This question is basically for information. I was reading an account of what was purported to be in this bill. I want to ask the gentleman, as the father or mother of the bill, as the case may be, whether this account is substantially accurate. It says here that the procedure would be that each year an official designated by the President makes a report as to the new pay scale, then a board reviews it and makes its recommedations, and if the President orders the new scale into effect, that is the end of it. We have nothing further to do. Is that correct?

Mr. UDALL. That is correct.

Mr. DENNIS. If, however, the President sends in an alternate plan, we can veto that, but if we do, it goes back to the plan set by the board. Is that substantially correct?

Mr. UDALL. That is correct. Let me give the gentleman the philosophy behind that, because this is very fundamental to the permanent pay-fixing plan. I have always been an advocate of the philosophy that Congress ought to set the policy. This bill does not depart from that philosophy. In this bill we say Federal pay should be comparable to pay in private enterprise.

We delegate to the Bureau of Labor Statistics and to the Bureau of the Budget and to the President of the United States the power to determine what numbers are necessary, what dollar figures are necessary, to carry out that policy.

The SPEAKER pro tempore (Mr. SLACK). The time of the gentleman from Arizona has expired.

Mr. DULSKI. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. UDALL. If that policy is carried out, that is the end of it. There is no point in coming back to the Congress, any more than there would be for one of the gentleman's employees to come back to him if the employee had carried out his policy.

If, however, the President decides to say, "Sorry, I am not going to have a pay raise this year," or if for any other reason he makes any decision other than to achieve the comparability policy, then it will come back to us, and the bill guarantees that we will have a vote on it.

I believe that is a sound compromise between those who do not want to delegate anything—who want to wrestle every year with the salary fights, as we have since I have been engaged in in the Congress—those who want to continue as we have in the past and those who want to delegate entirely to someone else.

We make the policy and we delegate to someone else the mechanics of carrying out that policy.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Indiana.

Mr. DENNIS. I would point out that even the policy may be subject to some dispute, because personally I do not believe any Federal or public employee's pay is exactly in the same situation as pay in a private industry where there is the element of profit to consider. There are no profits available out of which to pay public salaries—every penny comes out of the taxpayers.

Passing that question, the cardinal point remains that under this bill we can do nothing as Members of the Congress except to chose between the pay scale set by the President and that set by the board, if the President disagrees with this appointed board.

Mr. UDALL. Yes. If we do not like this system we can change it. I want to try it around the track for a couple of years, to see if it works. There is something we can do. We can repeal the law, and I will be with the gentleman in repealing it if it does not work, if the President is going to abuse this power.

Mr. DENNIS. If it is better for some appointed board to discharge the functions of this body in this respect, why not let them do it all and get rid of the Congress?

Mr. UDALL. We set the policy, and give the appointed board the authority to carry out that policy.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to my friend from Iowa.

Mr. KYL. There is nothing in this bill which prevents the Congress from doing what it has always done, if we do not like the procedure.

Mr. UDALL. Precisely. We can pass a law at any ime changing what the President did.

Mr. KYL. If the Congress does not like what the Board does, we can act.

Mr. UDALL. We can, indeed.

Mr. Speaker, I am happy to be able to rise today in support of the conference report submitted last week on H.R. 13000. The road has been a long and arduous one and I would like briefly to take the time to outline the path that has led us here.

On October 14, 1969, the Federal Salary Comparability Act (H.R. 13000) passed the House of Representatives. On December 12, 1969, a different version passed the Senate. The House version provided salary adjustments for Federal employees, established a permanent method of adjusting rates of pay of Federal employees in the statutory pay systems, and included certain miscellaneous employee fringe benefits. The Senate version, by and large, provided for a flat percentage increase in Federal pay.

The House disagreed to the Senate amendment and asked for a conference. The Senate in turn insisted on its amendment and agreed to the conference which convened March 25, 1970. The conference committee had several meetings during the early part of 1970 but came to no resolution.

Subsequently, Public Law 91–231 was approved in April providing for a 6-percent salary increase, retroactive to December 27, 1969, for all employees under the statutory pay systems, as well as for employees in the Agricultural Stabilization Service, and certain employees in the judicial legislative, and executive branches whose rates of pay are fixed by administrative action.

Also, Public Law 91–375, the Postal Reorganization Act of 1970, approved in August, provided for an 8-percent pay increase for all employees of the Post Office Department, retroactive to April 16, 1970. If you will recall, Mr. Speaker, these legislative developments resulted from the settlement of the postal employees' strike during that period. Left unresolved and still before the conference committee was the question of a permanent method of adjusting rates of pay for Federal employees.

Realizing that the problem of Federal wages will not be solved until a rational, permanent method of establishing rates of pay is enacted into law, a number of my colleagues and I introduced H.R. 18403, a bill designed to implement the pay comparability system for Federal employees on a semiautomatic basis. The Chairman of the Civil Service Commission in turn submitted a legislative recommendation proposing similar permanent procedures for applying the pay comparability policy adopted by this great body in 1962. This proposal took legislative form in H.R. 18603, as introduced by Mr. CORBETT.

Both of these bills were referred to my Subcommittee on Compensation of the Post Office and Civil Service Committee. We held extensive hearings on the measures and worked out the proposal that ultimately was submitted to the conference committee on H.R. 13000. The conferees in turn accepted this substitute and on December 8, 1970, reported out the version that is before us today.

Let me briefly summarize the conference substitute for H.R. 13000 and contrast it with provisions of the original bill. We propose a permanent method of adjusting the rates of pay of Federal employees under the general schedule, Foreign Service, and for physicians,

dentists, and nurses of the Veterans' Administration. These categories are commonly referred to as the statutory pay systems.

The greatest difference between H.R. 13000 as approved by the House on October 14, 1969, and the conference substitute is that under the latter the President is directed to make annual adjustments in the rates of pay, whereas under H.R. 13000 a Federal Employee Salary Commission was directed to submit recommended pay adjustments to the Congress which would become effective upon approval by Congress.

The procedure established under the conference substitute requires the President to direct such agent as he considers appropriate—normally the Chairman of the Civil Service Commission and the Director of the Office of Management and Budget—to prepare and submit to him annually, after considering the views and recommendations of Federal employee union representatives, a report—

First, that compares the rates of pay of the statutory pay systems with the pay in private industry;

Second, that makes recommendations for adjustments in rates of pay based on comparability; and

Third, includes the views and recommendations of employee organizations.

The President is required to make adjustments in statutory rates of pay as he determines appropriate to carry out the comparability principles effective October 1 of each year, except that in 1971 and 1972 such adjustments will become effective on January 1:

If, because of a national emergency or economic conditions affecting the general welfare, the President determines that it is not appropriate to make the pay comparability adjustments, he is directed to prepare and transmit to the Congress, before September 1, an alternate pay adjustment plan. The alternate plan would become effective on October 1 unless within 30 days after receiving it, Congress vetoed the plan. In such event, the President is required to put into effect the original comparability recommendations. The congressional veto of an alternate plan would follow the same procedures established for congressional disapproval of an executive reorganization plan.

Recommendations of Federal employee union representatives will be considered by the President through the newly established Federal Employees Pay Council. This group consists of five members chosen from representatives of employee organizations and is charged with the duty of consulting with the President's agent in implementing the comparability procedure.

An advisory committee on Federal pay is also established for the purpose of recommending to the President pay proposals that will implement the comparability principle. This is an independent body consisting of three members appointed by the President from outside of the Government. Members will serve for 6-year terms.

The establishment of these two advisory bodies represents a significant feature of the committee substitute before us today, Mr. Speaker. The Federal Employees Pay Council will give our Federal employee organizations a significant voice in the fixing of Federal pay. Their views must be considered by both the President's agent and the President himself in devising pay plans and the President in turn must pass on to the Congress employee recommendations concerning pay.

The advisory committee on federal pay will give the President still another perspective as to the pay needs of our Federal employees. This group will consist of individuals not employed by the Federal Government who are generally known for their expertise and impartiality on pay matters.

This is not to say that members can not or will not have a labor or management background. Indeed we would be hard put to find anyone versed in the complexities of pay matters without such backgrounds. In fact, under the bill, any interested party such as a labor organization, may make nominations for membership on the committee. I fully anticipate that both labor and management organizations will have names to submit to the President and hope the President will give close scrutiny to these recommendations. But the advisory committee is not intended to be an adversary body. It is intended to give a hard, impartial look at pay questions and to serve as a valuable party in the fixing of Federal pay.

In the conference substitute we also included provisions authorizing administrative pay fixing authorities in the legislative, judicial, and executive branches to fix the rates of pay for those employees who are not covered by the statutory pay systems consistent with the annual adjustments. The authority under this section is entirely discretionary. This means that Members of the House of Representatives will for the first time have the authority to raise wages or withhold a raise in accordance with performance rendered by congressional staff employees.

The conference substitute contains some miscellaneous provisions as well. Allowances for employees at remote worksites and allowances for employees involved in floating plant operations with the Corps of Engineers are authorized. The nepotism provisions of law have been extended to employees of the U.S. postal service and additional supergrade positions for the U.S. Tax Court and for allocation by the Civil Service Commission among departments and agencies in the executive branch have been authorized.

Mr. Speaker, let me deal briefly with the subject of a pay raise for 1971. Many columnists have labeled this legislation a "pay bill", but this is really a misnomer. There is no comparibility increase ordered by the bill. It was our feeling that the Civil service commission and the Office of Management and Budget could better devise a pay plan to fit the needs of all employees in the statutory pay systems for 1971 and for that reason we refrain from including any mandatory pay increase.

This is not to say, however, that we do not anticipate a pay raise effective January 1, 1971. In the course of our negotiations we were assured time and again by individuals both within the Civil Service Commission and within the Office of Management and Budget that the President fully intended to use the authority that we have granted him under this bill to make a comparability increase for the upcoming year. I for one would like to go on record as being in favor of this increase; I think it is needed and I think we owe it to our federal employees to bring them up to full comparability as we guaranteed them under the 1962 law.

If the President does not see fit to make this adjustment, the matter will not end there. Once the bill becomes law the Congress will immediately have the authority to serve as overseer of the President's action on pay matters. The congressional machinery provided in the bill for overriding an alternative plan submitted by the President will be available to us immediately and I for one intend to hold this administration to the assurances that have been given us.

Lest there be any doubt concerning the availability of the congressional machinery for 1971 and 1972, let me quote you the language of the relevant section. Section 5308(c) of the committee substitute provides that the President may make the initial adjustment—(for 1971)—without regard to the Advisory Committe on Federal Pay and the Federal Employees Pay Council.

It further provides that notwithstanding any provision prescribing an effective date of October 1 for any pay provision made by the President, the initial adjustment shall become effective on the first day of the first applicable pay period that begins on or after January 1, 1971, and January 1, 1972, respectively. Finally, the President's agent for purposes of the 1971 and 1972 adjustments shall be the Director, Office of Management and Budget and the Chairman, U.S. Civil Service Commission.

Note, Mr. Speaker, that this section does contain language that suspends the role of Congress as overseer of the pay process for these 2 years. And indeed, why should it? It is nonsensical to think that the years 1971 and 1972 should be treated differently from any other year. Our interest in the well being of Federal employees is not cyclical—it is constant.

In other words, it was and is the intent of the conferees to make available the congressional machinery immediately upon enactment of this legislation. And in fact, this was and is the intent of the administration as well. At the end of my remarks I am including a letter from Chairman Hampton of the Civil Service Commission in which he states:

It was definitely not our intent in fixing a January date for the first two adjustments to preclude the President from submitting an alternate plan. (It was our intent) . . . simply to permit the first adjustment to me made without reference to the President's Advisory Committee and to change the dates for the first two adjustments to accommodate to the present (BLS) survey schedule . . . We interpreted the Committee print to permit the submission of alternate plans these first two years.

Part and parcel to the alternate plan procedure is the congressional review procedure. Thus for 1971 and 1972, if the President determines that he cannot make the full comparability adjustment, he must submit an alternate plan to the Congress. Upon receipt of the alternate plan, the Congress has 30 days within which to act. If the President, because of

congressional action, is required to make the full adjustment, increases in rates of pay will take effect on the first day of the first applicable pay period that begins on or after the day of congressional action.

I do want to urge my colleagues to support our efforts, Mr. Speaker. This is really an historic piece of legislation in every sense of that overworked term. For 6 years I have been trying to bring about some kind of rational, sensible, permanent method of approaching the problem of the adjustment of Federal salaries. In 1967 we took a big step in this effort by passing the Federal Salary Act.

That bill set precedent by directing Federal salaries of employees under the statutory pay systems to be adjusted automatically in 1968 and 1969. The Congress was partially taken out of the nonsensical position of fighting year in and year out over Federal pay legislation. Instead, Congress reviewed the decisions reached by the executive and maintained overall control of the process, and that is as it should be.

We took another big step in bringing permanence to wage fixing procedures last August. It was then we shifted pay setting for postal employees from Congress to a new quasi-corporate governmental agency. Blue collar workers have been under a similar system for almost 100 years. What I say we should do today is to complete the process by enacting this bill, the result being a systematic method of raising pay for nearly all Federal employees.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., November 9, 1970.

HON. MORRIS K. UDALL,
Chairman, Compensation Subcommittee, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.

DEAR MR. UDALL: We have learned from the Committee staff that your Committee Print of October 8 is being interpreted to preclude the President's submitting an alternative plan with respect to the pay adjustments which would otherwise take effect in January 1971 and January 1972.

It was definitely not our intent in fixing a January date for the first two adjustments to preclude the President from submitting an alternative plan. The purpose of section 3 of the Administration's bill was simply to permit the first adjustment to be made without reference to the President's Advisory Committee and to change the dates for the first two adjustments to accommodate to the present survey schedule.

My testimony (see pages 57 and 58 of the printed hearings) makes clear our intent that the President could submit an alternative plan with respect to the January 1971 adjustment. We interpreted your Committee Print to permit the submission of alternative plans in these first two years. If you believe that the language of the Committee Print is not sufficiently clear on this point, I should be pleased to suggest amendments which would bring it into line with the Administration's position on this point.

Sincerely yours,
ROBERT E. HAMPTON,
Chairman.

Mr. GROSS. Mr. Speaker, I yield myself 8 minutes.

(Mr. GROSS asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. GROSS. Mr. Speaker, the deplorable maneuver of bringing this conference report to the House under suspension of the rules procedure is just one more sordid—and I emphasize sordid—example of the irresponsibility of this "lameduck" session. The tactics invoked by the proponents of the conference report are an obvious admission that the handiwork of the conference committee fractured every rule of the conference and it could not on its merits be presented to the House in orderly fashion to stand the test of the House rules.

At this point I note the presence of the distinguished majority leader (Mr. ALBERT). I should like to ask him when the House last considered a conference report under suspension of the rules procedure which prohibits amendments and prevents the offering of points of order?

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Of course I yield.

Mr. ALBERT. I do not remember the last time, but the Speaker has the authority to recognize for suspension of the rules.

Mr. GROSS. No one disputes that he has that authority.

Mr. ALBERT. And the majority leader never encroaches on that authority.

Mr. GROSS. I should like to address an inquiry to the distinguished minority leader (Mr. GERALD R. FORD).

Did the minority leader join in this enterprise—this irresponsible enterprise of bringing a conference report to the House floor under a suspension of the rules procedure?

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the minority leader.

Mr. GERALD R. FORD. I am sure the distinguished gentleman from Iowa knows that the prerogative for invoking this procedure is not in the jurisdiction of the minority leader. It is the sole prerogative of the distinguished Speaker.

I happen to be for this legislation, but I had no choice as to whether or not this conference report should come up under this procedure.

Mr. GROSS. The gentleman has not answered the question as to whether he approved this procedure.

The gentleman usually is consulted as to how legislation comes to the House floor in situations of this kind, especially the dying hours of a session of Congress.

Why have committees of the Congress if members of a committee can go into a conference with the other body and put anything—and I mean anything—into the legislation, come back to the House and be protected under a suspension of the rules by which it is impossible to raise points of order or offer amendments to remove the ungermane provisions? Why have committees if such dictatorial procedures are to be used?

Mr. UDALL. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. No; not at this time.

Mr. Speaker, I was prepared to make a point of order against the conference report but being denied that privilege I want to submit for the RECORD and for the edification of the House those items which I contend are in flagrant violation of the rules and precedents of the House of Representatives.

The conference report contains at least three specific provisions which were not committed to the conference committee, which were not contained in either the House or the Senate amendments, and which are clearly not germane to the conference substitute.

First, the conference substitute, in section 8, contains an amendment to the Postal Reorganization Act (Public Law 91–375) dealing with "restrictions on Postal Service employment of relatives" which was not contained in either the House bill or the Senate amendment. It is completely nongermane and irrelevant to the general matter of Federal employee pay which was committed to the conference committee.

Second, the conference substitute, in section 9, provides for 20 adidtional supergrade positions to the supergrade pool administered by the Civil Service Commission and specifically creates five new such positions for the U.S. Tax Court. The matter of supergrade positions was not even remotely involved in the House bill or the Senate amendment and inclusion in the conference substitute is certainly not germane, and clearly introduces extraneous matter not committed to the conference committee.

Finally, Mr. Speaker, the conference substitute, in section 3(a) delegates to the President all authority in the future to set the rates of pay for employees under the statutory pay systems. This is a radically new concept incorporated in the conference substitute that was not in the House bill or the Senate amendment. This concept is not germane to the matter that was in disagreement and it is not a matter that was committed to the conference committee by either House.

This is a vitally important point, Mr. Speaker, since it is the very substance of the conference substitute, yet it clearly violates the rules and precedents of the House. Rule 28, clause 3, of the Rules of the House reads:

> Whenever a disagreement to an amendment in the nature of a substitute has been committed to a conference committee it shall be in order for the Managers on the part of the House to propose a substitute which is a germane modification—

I repeat, "a germane modification"—

> of the matter in disagreement, but their report shall not include matter not committed to the conference committee by either House.

The Senate bill was an amendment in the nature of a substitute for the House bill. The conference report is an additional substitute on the same subject. However, the conference report distinctly, clearly, and specifically includes matter not committed to the conferees by either House, and matter which cannot be held to be a "germane modification on the matter of disagreement."

Mr. Speaker, H.R. 13000 passed the House and Senate in late 1969—more than a year ago—and for all intents and purposes was abandoned and superseded by the enactment of Public Law 91–231, enacted in April of this year granting a 6-percent retroactive pay raise to all Federal employees.

It is clearly evident that this bill was resurrected as a convenient vehicle for ramming through the Congress, in the closing days of the 91st Congress, with complete disregard—yes, with complete contempt—for the orderly procedures of this body, an entirely new, radical, nongermane proposition for setting Federal pay.

I cannot in good conscience participate in such maneuvering and in such deception.

Mr. Speaker, aside from the incredible procedures being used to ramrod this legislation through Congress with a minimum amount of consideration, the conference report should be rejected entirely because it is dangerously bad legislation.

It represents a complete abdication of congressional responsibility in a vital area of national fiscal affairs. It is explosively inflationary, and completely contrary to the best interests of the American people.

What is here planned, simply stated, is for the Congress to turn over to the President for all time in the future blank-check authority to set the pay of all Federal employees. It is proposed here in the dying days of the 91st Congress to divest the Congress of a vital responsibility which it has properly exercised since the founding of the Nation.

The SPEAKER pro tempore (Mr. SLACK). The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, I yield myself 3 additional minutes.

I submit, Mr. Speaker, that this bill does violence to the appropriation and revenue-raising responsibilities of the legislative branch. It turns over to the President—any President—sole responsibility for managing the $48.8 billion a year civilian and military payrolls of the United States with each 1-percent increase in those payrolls amounting to an automatic additional Federal expenditure of $361 million.

Under the procedure proposed in this bill, the sole role of Congress in the future with respect to setting Federal pay will be to find the money somewhere, somehow, to pay the bill. Congress will have absolutely no control over the amount of any future pay raise regardless of how critical the fiscal situation may be at any particular time.

In fact, under the specific provisions of this legislation the Congress can only act at such time as the President does not increase pay, or does not increase it enough—I repeat, does not increase it enough. And incredibly enough, the authors of this legislation have, in effect, told the President that from now on "you increase the pay of Federal employees on a periodic basis with the Congress looking over your shoulder to make sure you do so."

Mr. Speaker, it must be made abundantly clear that by reason of this conference report the President will be required to raise the pay of all Federal civilian and military personnel effective January 1, 1971—tomorrow—again on January 1, 1972, again on October 1, 1972, and on each October 1 thereafter. Thus, the first three pay raises will come in less than 2 years.

It is expected that the pay raise effective January 1, 1971—tomorrow—will approximate 6 percent and will increase the total budget by $2.3 billion. This money is not in the budget. It means adding another $2.3 billion deficit to a budget that is already in the red by over $10 billion and this during a critical period of rapid inflation and rising unemployment. The President himself has just recently pleaded with business and labor to make a special effort to exercise restraint in price and wage decisions. Any example of restraint should certainly begin in Federal Government wage decisions.

The action this House takes today goes far beyond any so-called inflation alert. If this bill is enacted it will be an inflation blast that will ring in the ears of all Americans for a long time to come. The consequences on our economy could be devastating.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. GROSS. Mr. Speaker, I yield myself 2 additional minutes.

Mr. Speaker, just 3 years ago in this same month, in the closing days of a congressional session, I opposed the enactment of legislation which turned over to the President the final authority to set the pay of Members of Congress, judges, and Cabinet officials. I pointed out then, as I do now, that this is an important responsibility that belongs in the Congress which must be accountable for the expenditures of public moneys and the raising of tax revenues. I pointed out then, as I do now, the inflationary aspects of such action. I pointed out, too, the shameful step-by-step delegations of power to the President—powers and responsibilities no Congress should surrender.

On December 11, Donald Saltz, business editor of the Washington News, devoted his entire column to the consequences of our action of 3 years ago.

His first two paragraphs are as follows:

One of the great mistakes of recent years occurred in early 1968 when Congress accepted a pay raise from $30,000 to $42,500 a year, or more than 40 per cent.

What that did was to open a Pandora's Box of inflationary troubles which are hacking and kicking away at our economic structure. It has led to union demands for huge pay increases without corresponding rises in production.

Mr. Speaker, it is imperative for this Congress to decide here and now that it will not abdicate to the Chief Executive its role in managing a $48,800,000,000 total Federal payroll and that it will not recklessly feed the already intense fires of inflation.

Mr. Speaker, it is imperative for the general welfare of this Nation that we here and now reject this conference report.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I have promised to yield time to others.

The SPEAKER pro tempore. The gentleman from Iowa has consumed 13 minutes.

Following is the full text of the article by Mr. Donald Saltz in the Washington Daily News:

[From the Washington News, Dec. 11, 1970]

HILL RAISES STIMULATE INFLATION

(By Donald Saltz)

One of the great mistakes of recent years occurred in early 1969 when Congress accepted a pay raise from $30,000 to $42,500 a year, or more than 40 per cent.

What that did was to open a Pandora's Box of inflationary troubles which are hacking and kicking away at our economic structure. It has led to union demands for huge pay increases without corresponding rises in production.

Automobile workers, now rail workers, government employes and numerous other organized groups are seeking sharp additions of pay, under the guise of simply offsetting cost-of-living increases.

ABOVE INFLATION

The pay increases being sought and the sums received, in most cases, are more than enough to meet the rate of inflation. What they have the effect of doing is causing more and stronger inflation, and the cycle continues.

If selfish individual demands for more money continue, the U.S. will likely price itself out of more world markets. Already, about one of every nine cars bought in this country is foreign-made. American-made cars have gone up another $175 to $200 or so, as an after-effect of large wage settlements for auto workers.

A large rail pay settlement will mean higher freight rates which will be passed along to the consumer, and that means almost everybody because we all use products that are shipped by rail.

Federal government workers have come to expect annual raises "to bring the workers up to private industry scale," but many government people do not take into account the stability of their positions, their fringe benefits or even annual increments as a result of length of service.

An exact equal, on-the-surface pay footing for government workers stimulates private employers to pay a bit more to offset other advantages of government workers.

HANDICAPPED-RETIRED

As the Congress prepares to raise social security benefits, the other side of the coin shows social security taxes rising at a staggering rate. It offers another reason for workers to demand more pay, which in turn makes prices go up, and once again the retired persons on social security find their dollars inadequate.

The cycle will continue, interrupted only by breathing spells.

As salaries go up, taxes do more than rise proportionately. Higher incomes are assessed higher tax rates.

A large union could win long-time public favor if it would face contract time with a sensible approach and seek wage increases equal to productivity gains. If there has not been an increase in productivity, is it right to seek wage increases?

In some instances, probably, where underpayment is severe. For most lines of work, however, no real justification exists for higher pay on a regular basis.

How can we complain about a higher cost of living when we are responsible for it?

Voluntary restraint is one way to keep prices down. But as long as groups of people plunge headlong into a pool of pay-raise advocates and refuse to consider the longer-term effects of more money for the same work, the country's in trouble.

Mr. DULSKI. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOGAN).

(Mr. HOGAN asked and was given permission to revise and extend his remarks.)

Mr. HOGAN. Mr. Speaker, the legislation before us today is long overdue. As

has been indicated previously the Congress is not abdicating its responsibility in this area of Federal pay legislation. What we are doing is creating an administrative mechanism which would enable the pay raise to reach the employees sooner to give some equity in the matter of comparability.

The legislative process is slow and cumbersome and, because this is so, Federal employees are always lagging behind in comparability.

The Congress of the United States promised Federal employees comparability in 1962, but it has been an empty promise since that time because we have been unable to respond to the cost of living increases in sufficient time to get the benefit to the employees when they deserve them.

Mr. Speaker, what this legislation before us today does is create a mechanism to get the raise to the employee quicker.

Mr. Speaker, the conference report on H.R. 13000, the Pay Comparability Act of 1970, provides in my opinion a rational and realistic approach to a problem which has beset the Post Office and Civil Service Committee, and the Congress, for too long. That is, the fixing of pay of Federal employees under the statutory pay systems.

In effect, what we are trying to do today is fulfill a pledge which the Congress made in 1962 to afford full comparability to Federal employees. That principle of comparability is as sensible and fair today as it was then, but it cannot ever be properly effected or in a timely manner unless we adopt a permanent pay-setting system as proposed in this legislation.

As one of the original cosponsors of this legislation, I hope this conference report now before us will be promptly approved.

In brief, the conference substitute to H.R. 13000 provides the following:

First, it requires the President to direct such agent as he considers appropriate—normally the Chairman of the Civil Service Commission and the Director, Office of Management and Budget—to prepare and submit to him annually, after considering the views and recommendations of Federal employee organization representatives, a report recommending pay adjustments in rates of pay of the statutory pay systems on the basis of comparability with private industry. The President is required to make adjustments in statutory rates of pay as he determines appropriate to carry out the comparability principles, effective October 1 of each year, except that in 1971 and 1972 such adjustments would become effective on January 1. Congress would not be involved in these adjustments.

Second. If, because of a national emergency or economic conditions affecting the general welfare, the President determines it inappropriate to make the pay comparability adjustments, he shall prepare and transmit to the Congress, before September 1, an alternative pay adjustment plan. The alternative plan would become effective on October 1 and would continue unless within 30 days after receiving it, Congress vetoed the plan. In such event, the President is required to issue the original comparability adjustments. The congressional veto of an alternative plan would follow the same procedure established for congressional disapproval of an executive reorganization plan.

Mr. Speaker, I recognize there will be some Members objecting to this procedure in fear the Congress is abdicating its responsibility of setting pay, but I do not agree that this is the case. To answer their anticipated arguments, I agree that we in the Congress are responsible for establishing basic pay-fixing policies, which we will be doing, but the long bitter history has shown that the Congress is just not very well suited to the administrative task of determining and fixing pay schedules. Federal employees who always have to wait on inordinately for their much deserved pay raises, are the sufferers from Congress inability to respond to their need more promptly.

Our Post Office and Civil Service Committee has struggled for years to arrive at a solution to this problem of rate setting whereby our Federal employees and Federal Government would jointly share in a system affording fair and comparable pay to Federal employees, while allowing a competitive climate for our Government to retain and recruit the best possible employees.

As my distinguished minority leader has stated, the administration is not opposed to this legislation.

Mr. Speaker, I am convinced we have found in this legislation a workable solution, and I urge the adoption of the conference report by the required two-thirds vote.

Mr. GROSS. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. HALL).

(Mr. HALL asked and was given permission to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, as a longtime student of the procedures of this body and having observed its proceedings since 1965 through the recent bill that was enacted into law on the reorganization of the Congress, I enthusiastically associate myself with the remarks of the gentleman from Iowa (Mr. GROSS) about the technique of bringing this bill on the floor so that points of order cannot be lodged against it, nor can it be amended or properly debated.

I would like to ask the principal sponsor of the bill, my friend, the gentleman from New York, the distinguished chairman of the Committee on Post Office and Civil Service, was the substance of this conference report ever considered in any hearings held by the committee of this body?

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. DULSKI. Yes; it was.

Mr. HALL. Will the gentleman cite those hearings to me, please?

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. DULSKI. A compensation on the Federal classified system hearing before the Subcommittee on Compensation of the Committee on Post Office and Civil Service of the 91st Congress, second session, on H.R. 13000, July 27, 28, 29, 30, and 31 of 1970.

Mr. HALL. Is my distinguished friend by his answer implying that the substance of this conference report, and particularly the statement of the managers on the part of the House, evolved as a direct result of those hearings—is that correct?

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. HALL. When I ask the gentleman a question, I automatically yield to him to answer.

Mr. DULSKI. That is correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. GROSS. I suggest you ask the chairman of the committee if there was any committee action on this substitute.

Mr. HALL. Would the gentleman care to respond to that?

Mr. DULSKI. The subcommittee acted on this.

Mr. GROSS. The question: Was there any full committee action on this substitute?

Mr. DULSKI. The gentleman knows very well that there was none.

Mr. GROSS. I am glad to have that established in the RECORD.

Mr. HALL. I think it is important to make this record, and I say to the Members who are sitting here under suspension of the rules that this is why points of order against portions of this conference report cannot be lodged, and I presume it is why the signers or the managers on the part of the House do not include all of those who were appointed to the conference.

I would further like to ask if the new supergrades included in the conference report for the Civil Service Commission are needed, and if those already assigned to the downtown pool have been exhausted and, in that same context, whether or not these include the level 4's for the advisory committee?

Mr. UDALL. Mr. Speaker, will the gentleman yield to me to answer that question?

Mr. HALL. I yield to the gentleman from Arizona.

Mr. UDALL. I ask unanimous consent to include at this point in the RECORD a letter dated December 7, 1970, from Mr. Robert E. Hampton, Chairman of the Civil Service Commission, which answers that specific question.

The SPEAKER pro tempore (Mr. SLACK). Is there objection to the request of the gentleman from Arizona?

There was no objection.

The letter is as follows:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., December 7, 1970.

HON. THADDEUS J. DULSKI,
Chairman, Post Office and Civil Service Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is a follow-up of my discussions with members of your committee about the need for 30 additional supergrade positions.

The increase of 150, which the Congress authorized in December 1969, was sufficient to meet only the most crucial, barebones needs that existed at that time. Attached is a list indicating our distribution of the 150 positions authorized by Congress. When I testified in support of the positions, I pointed out to members of your committee

that we would review future program requirements to determine how many additional supergrades would be needed. We now conclude that a minimum of 30 new positions are required. Most of these new critical needs are in the following new or anticipated organizations and functions:

The Environmental Planning Agency. This newly founded agency desperately needs authority to appoint its top staff to permit it to begin its attack on national environmental problems.

The Office of Telecommunications Policy. Top-level positons need to be established to develop a national policy for this heretofore splintered function.

The National Oceanographic and Atmospheric Administration. Established from several different agencies, this new Administration needs to have sufficient executive manpower to coordinate and establish centralized control over the various programs assigned.

Inter-American Social Development Institute. This new organization, part of the President's program "Foreign Assistance for the Seventies," will strive to bring improvements in education, agriculture, health, housing, and labor to Latin America by working principally through private organizations, individuals and international organizations. Supergrade spaces are required for the top several positions in this new Institute.

In order to make most efficient use of quota spaces currently available, the Commission, on a daily basis, has been reassessing priority needs among the agencies and questioning priority needs within the agencies. Space control has been rigorously followed and spaces have been moved among agencies and within agencies after careful scrutiny of priorities and needs. The Commission has launched a program wherein positions that are not filled within 180 days are automatically returned to the Commission pool and reassigned to satisfy higher priorities. I have personally discussed these stringent control measures with the Under Secretaries of the major agencies. These efforts have been successful in getting maximum use from the existing quota, but we have now reached a point where we simply need additional spaces.

I would greatly appreciate a favorable reception to this request for 30 additional supergrades.

Sincerely yours,

ROBERT E. HAMPTON,
Chairman.

Distribution of 150 spaces

	Total
Agriculture	4
Bureau of the Budget	1
CAB	1
Commerce	4
Commission on Civil Rights	1
Council on Environmental Quality	4
Export-Import Bank	1
FCC	2
Federal Home Loan Bank Board	1
Federal Labor Relations Council	4
Federal Mediation and Concilation Service	1
FPC	1
FTC	2
GSA	2
Government of District of Columbia	5
HEW	10
HUD	11
Indian Claims Commission	1
Interior	6
ICC	1
Justice	21
Labor	7
National Communication Consumer Finance	1
National Foundation on the Arts	1
Post Office	5
Pres. Comm., Empl. Handicapped	1
Selective Service System	10
Smithsonian	1
DOT	27
Treasury	3
Veterans' Administration	3
Office of the Vice President	4
Reserve	1
	150

Mr. UDALL. In that letter the Chairman of the Civil Service Commission says that they are exhausted, that they do need additional supergrades. In fact, they asked desperately for 50 for the new environmental agencies that have been set up. The gentleman from North Carolina (Mr. HENDERSON) negotiated with them and said, "We will not give you 50, but we will give you 20," and so it was at the request of Mr. HENDERSON that we put 20 in the conference report.

Mr. HALL. I thank the gentleman for his answer, but I submit to the Members who are attentive to the question of this violation of good procedure; that the House, after the bill is enacted, would have nothing more to do about those. We will have lost the committee's responsibility of surveillance, review, and oversight as to how these are allotted from time to time and whether or not, indeed, they are needed. I question whether they are, although I know the problem of recruiting.

Gentlemen, what we are here involved with, is the question of a sacred cow on the part of the big spenders versus the violation of a principle, a principle that goes back to the Constitution itself, wherein it says that the people's personal representatives, their Representatives in the House, will originate such proposals, pertaining to taxes, including stamps, tariffs, and levies, and it was for a violation of that principle that we fought King George in his effort to enforce the Stamp Act, and thus become a representative Republic.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. HALL. Mr. Speaker, will the gentleman from Iowa yield me additional time?

Mr. GROSS. Yes. Mr. Speaker, I yield the gentleman from Missouri 2 additional minutes.

Mr. HALL. I appreciate the gentleman yielding further.

Mr. Speaker, this violation of the principle of nongermaneness, the right of the minority to strike by submitting points of order against that which, under any rule of the House, is not pertinent; and bringing back a conference-originated complete new bill is unconscionable, and the question is not merely whether we are going to have comparability. I believe maybe that could be a good thing, although I do not believe in all of the requirements of the bleeding hearts for comparability or that it can even be assayed. But the point at issue here, is that we are leaving Congress completely out of any effective action, which is required by the Constitution.

I would like to ask one other question in the short time remaining: Who is the "President's agent," as referred to in the conference report, and how is he derived or appointed?

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Arizona.

Mr. UDALL. He is paid nothing but his usual salary. The agent for the first 2 years will be jointly the Director of the Office of Budget and Management, Mr. Shultz, and the Chairman of the Civil Service Commission, Mr. Hampton.

Mr. HALL. So there are two agents, and it is Mr. Hampton, not Mr. HENDERSON. I appreciate the gentleman correcting that from his last statement.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. HALL. Be that as it may, I do not know how these men can act vis-a-vis the President's requirement, which we here impose upon him from the prerogatives of the House, including reports vis-a-vis the Civil Service Commission and vis-a-vis the gentleman's committee on which he acts, and for which he speaks.

Finally, I think we have had enough raises in this session of the Congress. We certainly have had enough in this Congress, the 91st Congress, starting out with a doubling of the President's salary, not at his request but at the request of an advisory commission previously submitted by a prior administration, and then we raised our own salary 41 percent.

Then we raised the salary of our help. Then we raised the salary of our own committees. Then we raised the salaries of House functionarys administration. Then we raised that of the Speaker and gave him an unconscionable going-away present only last week. There are other examples and the people are toteing them.

Mr. GROSS. Mr. Speaker, I would point out there have been three pay raises in the last year for Federal employees and this legislation will trigger another raise, effective tomorrow, and costing more than $2 billion.

Mr. HALL. There have been pay raises and they have been in the interest of comparability and equity. It is the responsibility of the Congress to decide these things, whether they be in the military or in the Postal Service or in the General Service Act.

An often forgotten truth these days is that the Treasury tax funds are not the subject for charity or to be given away at the instigation of headline-hunters or those who would please indivdual segments by such legislation.

I recommend from the bottom of my heart, not only because of the procedure under which we consider this, but also because it is a violation and a raid on the Treasury, that it be voted down without the slightest compunction.

Mr. DULSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania.

[Mr. FULTON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. UDALL. Mr. Speaker, before the debate closes, I want to make two points. I was a little bit disturbed to hear that

gentleman from Missouri, who served with distinction on the Armed Services Committee, talking about bleeding hearts and talking about the $2 billion cost of this bill. Over $1 billion of that $2 billion will go to the armed services. The cost of this bill includes 6 percent for the military. If anybody has been squeezed by the inflation in the last 2 years, it has been these people.

Second, the big point about germaneness and the talk about the 20 supergrades, that is less than 2 percent of the supergrades in the Federal service.

There is another point about the antinepotism provision. We passed in 1967—and the gentleman from Iowa (Mr. SMITH), was the author of it, the father of it, and he had the support of the gentleman from Iowa—an antinepotism provision. I promised the gentleman on the floor when we passed postal reform and we left that provision out, that I would support a provision to get antinepotism provision made governmentwide.

So these are the two main things about which we are hearing in this order of business, about the increase of less than 1 percent in the supergrades, which is less than one-half of what the administration wanted, and the redemption of a promise some of us made that we would correct the oversight regarding the antinepotism provision, which was left out of the Postal Reform Act.

(Mr. DULSKI asked and was given permission to revise and extend his remarks.)

Mr. DULSKI. Mr. Speaker, this legislation originally passed the House over a year ago by a record vote of 311 to 51. As passed by the House, the bill provided salary adjustments for Federal employees, established a permanent method of adjusting rates of pay of Federal employees under the statutory pay systems, and included certain miscellaneous fringe benefits for Federal employees.

The Senate passed a different version of the bill, the bill was sent to conference, and the conferees held several meetings during the early part of 1970 but came to no resolution. Subsequently pay adjustments for employees under the statutory pay systems were enacted and became law under Public Law 91–231 and Public Law 91–375. However, the most important part of H.R. 13000 as passed the House, involving the question of a permanent method of adjusting rates of pay for Federal employees, remains unresolved.

On July 22, 1970, the Chairman of the Civil Service Commission submitted a legislative recommendation proposing new, permanent procedures for implementing the pay comparability policy adopted by the Congress in 1962. Additional hearings were held on the administration's proposal. The provisions that are before us today are basically the same as the provisions included in the administration's proposal of July 22, 1970.

The provisions have the complete support of the administration and are not objected to by the employee organizations representing employees under the statutory systems covered by the bill.

The primary purpose of the legislation now before the House is to prescribe the statutory procedures for fixing rates of pay under the comparability system for employees under the three statutory salary systems—the general schedule, staff officers and employees in the Foreign Service, and physicians, dentists, and nurses in the Department of Medicine and Surgery of the Veterans' Administration.

The procedure requires that an agent of the President—ordinarily the Chairman of the Civil Service Commission and the Director of the Office of Management and Budget—will prescribe a comparability pay survey to be conducted by the Bureau of Labor Statistics, prepare an annual comparative statement of the rates of pay based on the survey and submit recommendations for pay adjustments to the President.

An Advisory Committee on Federal Pay, to be composed of three Presidential appointees, will review the recommendations and report to the President its findings and recommendations.

The President is to make adjustments in the rates of the statutory pay systems as he determines necessary to carry out the comparability principle.

The provisions of the legislation also require the establishment of a Federal Employee Pay Council consisting of five members to be chosen from representatives of employee organizations. This pay council, as well as other representatives of employee organizations, has the right to consult with the President's agent and the Advisory Committee on Federal Pay on the procedures for implementing the comparability.

The pay adjustments will become effective in October of each year except that in 1971 and 1972, respectively, they would become effective on January 1. The action by the President in implementing the comparability increases would be final and does not require any action by the Congress. However, provisions are included so that the President, if because of a national emergency or economic conditions affecting the general welfare, considers it inappropriate to make the comparability adjustments, he may submit to the Congress an alternate plan providing pay adjustments other than those required by the comparability survey.

An alternate plan would become effective on October 1 and would continue in effect unless, prior to the end of a period of 30 calendar days of continuous session of the Congress, after the date on which the alternate plan is transmitted, either House of Congress adopts a resolution disapproving the alternate plan.

The legislation also authorizes adjustments to be made in the rates of pay of employees of the legislative, judicial, and executive branches of the Government whose rates of pay are fixed by administrative action. Such adjustments are required to be in amounts not exceeding the rate of any adjustments that may be made by the President for the general schedule employees.

In the case of the House of Representatives, provisions are included authorizing the Clerk of the House to adjust each minimum and maximum rate of pay applicable to any employee or class of employees whose pay is disbursed by the Clerk of the House. The Clerk is also authorized to adjust the monetary limitations and monetary allowances applicable to House employees. This includes the authority for the Clerk to adjust automatically the Clerk-hire allowance for Members. However, the legislation does not contain any provisions under which the pay of House employees would be adjusted automatically. It does contain authority for the pay of House employees to be adjusted at the discretion of the pay fixing authority, such as by a Member, in the case of an employee in a Member's office.

Mr. Speaker, I wish to emphasize that this legislation does not contain any increases in rates of pay. It does prescribe a permanent system or method under which the rates of pay of the majority of employees of the U.S. Government may be adjusted on an annual basis to fulfill the comparability policy adopted by the Congress in 1962.

I urge that the House act favorably on this proposal here today.

I include a summary of the proposal approved by the conferees:

SUMMARY OF CONFERENCE SUBSTITUTE TO H.R. 13000

The Conference substitute provides a permanent method of adjusting the rates of pay of Feedral employees who are paid under the statutory pay systems (General Schedule, Foreign Service, and Physicians, Dentists and Nurses of the Veteran's Administration).

The greatest difference between H.R. 13000 as approved by the House on October 14, 1969, and the Conference substitute is that in the substitute the President is directed to make annual adjustments in the rates of pay, whereas under H.R. 13000 a Federal Employee Salary Commission would submit recommended adjustments to the Congress which would become effective upon approval by Congress.

The procedure established under the Conference substitute requires the President to direct such agent as he considers appropriate (normally the Chairman of the Civil Service Commission and the Director, Office of Management and Budget) to prepare and submit to him annually after considering the views and recommendations of Federal employee union representatives, a report—

(1) That compares the rates of pay of the statutory pay systems with the pay in private industry;

(2) That makes recommendations for adjustments in rates of pay based on comparability; and

(3) Includes the views and recommendations of employee organizations.

The President is required to make adjustments in statutory rates of pay as he determines appropriate to carry out the comparability principles, effective October 1 of each year, except that in 1971 and 1972 such adjustments would become effective on January 1. Congress is not involved in these adjustments.

ALTERNATE PAY PROPOSAL

If, because of a national emergency or economic conditions affecting the general welfare, the President determines it inappropriate to make the pay comparability adjustments, he shall prepare and transmit to the Congress, before September 1, an alternate pay adjustment plan. The alternate plan would become effective on October 1 and would continue unless within 30 days after receiving it, Congress vetoed the plan. In such event, the President is required to issue the original comparability adjustments. The Congressional veto of an

alternate plan would follow the same procedure established for Congressional disapproval of an executive reorganization plan.

FEDERAL PAY COUNCIL

A Federal Pay Council is established, consisting of five members chosen from representatives of employee organizations. The function of the Council is to consult with the President's agent in implementing the comparability procedure.

ADVISORY COMMITTEE ON FEDERAL PAY

An Advisory Committee on Federal Pay is established as an independent establishment consisting of three members appointed by the President for six-year terms. The function of the Committee is to review the report submitted by the Agent to the President, consider all recommendations, and report its findings and recommendations to the President.

PAY ADJUSTMENTS FOR EMPLOYEES NOT UNDER THE STATUTORY SYSTEMS

Provisions are included authorizing administrative pay fixing authorities in the Legislative, Judicial, and Executive Branches to fix the rates of pay for those employees who are not covered by the statutory pay systems consistent with the annual adjustments. The authority under this section is entirely discretionary.

MISCELLANEOUS

The Conference substitute contains provisions—

(1) Relating to allowances for employees at remote worksites and allowances for employees involved in floating plant operations;

(2) Extending the nepotism provisions of law to the employees of the United States Postal Service;

(3) Authorizing a total of five supergrade positions (GS 16, 17, and 18) for the United States Tax Court; and

(4) Authorizing 20 additional supergrade positions for allocation by the Civil Service Commission among departments and agencies in the Executive Branch.

Mr. DERWINSKI. Mr. Speaker, in order to place this proceeding in proper perspective, I want to emphasize a few points about the conference report on H.R. 13000, so that we realize the ramifications of our action here today.

Notwithstanding all the trappings of advisory and consultatory panels, what this legislation does is place in the hands of the executive branch the absolute authority over the expenditure of public funds for the Federal civilian and military payrolls.

I hope, Mr. Speaker, that we all realize that this legislation will permanently separate the Congress from any future determination on the size and scope of the Government employee payroll.

It must be noted, Mr. Speaker, that in this bill Congress is surrendering authority over salaries of Government employees while two weeks ago it arbitrarily mandated a pay raise to employees of America's railroads. Could there be a possible contradiction here?

The requirements of this legislation, and the statements made about it, seem to indicate that all future pay raises are mechanical reactions to the prevailing economic trends in private industry.

I understand that the Civil Service Commission favors in large part this package, but its inflationary consequences are clearly underestimated.

Therefore, Mr. Speaker, I offer these comments in the spirit of caution but wonder if the proponents of this elaborate package have truly anticipated these possible difficulties.

I do, Mr. Speaker, want to offer one word of commendation to the conference committee. Section 5 of the conference substitute, which deals with pay adjustments of employees in the House of Representatives, is a long overdue reform of congressional pay procedure.

Under the language of this section, each Member of the House is the pay fixing authority for the employees on his staff and will be able to exercise his independent judgment on the merits of each annual adjustment. This new procedure is an enlightened departure from the past arrangement, and because I proposed the same change in many previous pay bills, I am especially pleased to find this bright spot in an otherwise doubtful legislative package. If this becomes law, then, for the first time, a Member of the House will be able to apply a consistent and progressive pay policy in the administration of his office.

Mr. SCHWENGEL. Mr. Speaker, today I shall vote "no" on the salary bill not because I am against adequate pay and salaries for Government employees, indeed with one exception in my 14 years in Congress I have voted for salary raises for Government employees. The principal reason for my "no" vote today is because of the low priority Congress has given the plight of our retirees—23,000,000 people on social security have to wait now to get their due—a raise just to meet the ravages of inflation. Mr. Speaker, we of the House, first acted on the social security bill last April. What a shame that these people to whom we owe so much and given so little should have to wait so long—when oh, when will we make proper evaluation and set proper priorities when we deal with the well-being and needs of deserving people.

Mr. DENNIS. Mr. Speaker, this, in my judgment is a bad bill.

In the first place the much vaunted principle of comparability is, itself subject to some question. Private and public employment are not entirely the same—there are essential differences. Private industry attempts, at least, to operate at a profit—and the profits are properly used, in part, to pay wages and salaries. There are no profits to draw on where public employment is concerned—every penny paid comes out of the hide of the taxpayer. Again, the high wages of industry are balanced by the changes or layoff; the public employee, if sometimes more modestly paid, under a civil service system at least, has a much greater degree of job security.

Laying the matter of comparability entirely aside, there is another, and overriding, reason why this is a bad bill; it is an abdication by the Congress, and by each individual Member of the Congress, of its and of his constitutional duties and responsibilities. We were sent here, as elected representatives of our people, to exercise our judgment on matters within our jurisdiction, including the rate of pay of employees of the Federal Government. By this measure we surrender this duty and responsibility to unelected employees of the executive branch—and, to a lesser degree, to the President of the United States.

Moreover, calls for an automatic annual pay raise, which the Congress, by this measure, so long as it remains upon the books, renders itself powerless to prevent. It is a clear surrender of the responsibility we owe to the American people who pay the bill, and it is a built-in invitation to a continued inflation.

With all respect and good will toward my colleagues who take a different view, I must say that I can see no justification for supporting legislation of this character.

Mr. DULSKI. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SLACK). The question is on the motion of the gentleman from New York that the House suspend the rules and agree to the conference report on H.R. 13000.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 183, nays 54, not voting 195, as follows:

[Roll No. 457]

YEAS—183

Adams	Frey	Mizell
Albert	Fulton, Pa.	Mollohan
Annunzio	Galifianakis	Monagan
Arends	Garmatz	Morgan
Ashley	Gonzalez	Morse
Ayres	Green, Oreg.	Natcher
Barrett	Green, Pa.	Nedzi
Beall, Md.	Gude	Nix
Bennett	Halpern	O'Hara
Bevill	Hamilton	Olsen
Biester	Hanna	Patman
Bingham	Hansen, Idaho	Patten
Blanton	Harsha	Pelly
Blatnik	Hathaway	Perkins
Boggs	Hechler, W. Va.	Pettis
Boland	Heckler, Mass.	Pickle
Bolling	Helstoski	Pike
Brademas	Hicks	Poff
Brasco	Hogan	Preyer, N.C.
Bray	Horton	Price, Ill.
Brinkley	Hosmer	Pucinski
Brooks	Hungate	Quie
Brotzman	Hunt	Quillen
Brown, Ohio	Ichord	Rees
Burke, Mass.	Jones, Ala.	Reid, N.Y.
Bush	Jones, N.C.	Reuss
Byrne, Pa.	Jones, Tenn.	Robison
Byrnes, Wis.	Kastenmeier	Rodino
Carey	Kazen	Rogers, Colo.
Chamberlain	Kee	Rogers, Fla.
Clark	Keith	Ruth
Cleveland	King	Ryan
Cohelan	Koch	St Germain
Conte	Kuykendall	Saylor
Conyers	Kyros	Scheuer
Corman	Leggett	Schneebeli
Coughlin	Lloyd	Scott
Culver	Long, Md.	Shriver
Daniels, N.J.	Lukens	Skubitz
Davis, Wis.	McCarthy	Slack
Dellenback	McCloskey	Smith, Iowa
Downing	McDade	Springer
Dulski	McFall	Stanton
Duncan	Macdonald, Mass.	Steed
Eilberg	Madden	Steele
Feighan	Mailliard	Stokes
Findley	Matsunaga	Stratton
Flood	Meeds	Stubblefield
Foley	Melcher	Stuckey
Ford, Gerald R.	Mikva	Taylor
Ford, William D.	Miller, Ohio	Teague, Calif.
Forsythe	Minish	Thompson, N.J.
Fraser	Mink	Thomson, Wis.
		Tiernan

Tunney	Watson	Wright
Udall	White	Wyatt
Van Deerlin	Whitehurst	Yates
Vander Jagt	Widnall	Young
Vanik	Wiggins	Zablocki
Vigorito	Williams	Zwach
Waldie	Wilson,	
Wampler	Charles H.	
Ware	Wolff	

NAYS—54

Abernethy	Fisher	Marsh
Alexander	Flowers	Mayne
Ashbrook	Flynt	Mills
Belcher	Fountain	Montgomery
Betts	Fuqua	Nelsen
Burke, Fla.	Goodling	Obey
Burleson, Tex.	Gross	Pryor, Ark.
Cabell	Hall	Rarick
Camp	Hammer-	Roberts
Chappell	schmidt	Roth
Clancy	Jarman	Satterfield
Conable	Jonas	Schmitz
Crane	Kyl	Schwengel
Daniel, Va.	Landgrebe	Symington
Dennis	Latta	Teague, Tex.
Derwinski	McClure	Whitten
Devine	MacGregor	Wylie
Dickinson	Mahon	
Fish	Mann	

NOT VOTING—195

Abbitt	Eshleman	Moss
Adair	Evans, Colo.	Murphy, Ill.
Addabbo	Evins, Tenn.	Murphy, N.Y.
Anderson,	Fallon	Myers
Calif.	Farbstein	Nichols
Anderson, Ill.	Fascell	O'Konski
Anderson,	Foreman	O'Neal, Ga.
Tenn.	Frelinghuysen	O'Neill, Mass.
Andrews, Ala.	Friedel	Ottinger
Andrews,	Fulton, Tenn.	Passman
N. Dak.	Gallagher	Pepper
Aspinall	Gaydos	Philbin
Baring	Gettys	Pirnie
Bell, Calif.	Giaimo	Poage
Berry	Gibbons	Podell
Biaggi	Gilbert	Pollock
Blackburn	Goldwater	Powell
Bow	Gray	Price, Tex.
Brock	Griffin	Purcell
Broomfield	Griffiths	Railsback
Brown, Calif.	Grover	Randall
Brown, Mich.	Gubser	Reid, Ill.
Broyhill, N.C.	Hagan	Reifel
Broyhill, Va.	Haley	Rhodes
Buchanan	Hanley	Riegle
Burlison, Mo.	Hansen, Wash.	Roe
Burton, Calif.	Harrington	Rooney, N.Y.
Burton, Utah	Harvey	Rooney, Pa.
Button	Hastings	Rosenthal
Caffery	Hawkins	Rostenkowski
Carney	Hays	Roudebush
Carter	Hébert	Rousselot
Casey	Henderson	Roybal
Cederberg	Holifield	Ruppe
Celler	Howard	Sandman
Chisholm	Hull	Schadeberg
Clausen,	Hutchinson	Scherle
Don H.	Jacobs	Sebelius
Clawson, Del	Johnson, Calif.	Shipley
Clay	Johnson, Pa.	Sikes
Collier	Karth	Sisk
Collins, Ill.	Kleppe	Smith, Calif.
Collins, Tex.	Kluczynski	Smith, N.Y.
Colmer	Landrum	Snyder
Corbett	Langen	Stafford
Cowger	Lennon	Staggers
Cramer	Long, La.	Steiger, Ariz.
Cunningham	Lowenstein	Steiger, Wis.
Daddario	Lujan	Stephens
Davis, Ga.	McClory	Sullivan
de la Garza	McCulloch	Taft
Delaney	McDonald,	Talcott
Denney	Mich.	Thompson, Ga.
Dent	McEwen	Ullman
Diggs	McKneally	Waggonner
Dingell	McMillan	Watts
Donohue	Martin	Weicker
Dorn	Mathias	Whalen
Dowdy	May	Whalley
Dwyer	Meskill	Wilson, Bob
Eckhardt	Michel	Winn
Edmondson	Miller, Calif.	Wold
Edwards, Ala.	Minshall	Wydler
Edwards, Calif.	Mize	Wyman
Edwards, La.	Moorhead	Yatron
Erlenborn	Morton	Zion
Esch	Mosher	

So (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Murphy of Illinois with Mrs. Chisholm.
Mr. Clay with Mr. Lowenstein.
Mr. Abbitt with Mr. McClory.
Mr. Howard with Mr. Anderson of North Dakota.
Mr. Johnson of California with Mr. Mize.
Mr. Murphy of New York with Mr. Hawkins.
Mr. Hanley with Mr. Buchanan.
Mrs. Hansen of Washington with Mr. Broyhill of Virginia.
Mr. Roybal with Mr. Diggs.
Mr. Gibbons with Mr. Schadeberg.
Mr. Gettys with Mr. Winn.
Mr. Collins of Illinois with Mr. Jacobs.
Mr. Purcell with Mr. Zion.
Mr. Pepper with Mr. Thompson of New Jersey.
Mr. Passman with Mr. Erlenborn.
Mr. Edmondson with Mr. Hastings.
Mr. Dorn with Mr. Esch.
Mr. Davis of Georgia with Mr. Denney.
Mr. Casey with Mr. Smith of New York.
Mr. Caffery with Mr. Riegle.
Mr. Aspinall with Mr. O'Konski.
Mr. Long of Louisiana with Mr. Brook.
Mr. Watts with Mr. Broyhill of North Carolina.
Mr. Randall with Mr. Mathias.
Mr. Roe with Mrs. Dwyer.
Mr. Rooney of Pennsylvania with Mr. McDonald of Michigan.
Mr. Rosenthal with Mr. McEwen.
Mr. Sisk with Mrs. Reid of Illinois.
Mr. Staggers with Mr. Berry.
Mr. Stephens with Mr. Rousselot.
Mr. Hagan of Georgia with Mr. Weicker.
Mr. Haley with Mr. Whalen.
Mr. Gaydos with Mr. Stafford.
Mr. Evans of Colorado with Mr. Del Clawson.
Mr. Edwards of Louisiana with Mr. Eshleman.
Mr. Delaney with Mr. Smith of California.
Mr. O'Neill of Massachusetts with Mr. Rhodes.
Mr. Waggonner with Mr. Bow.
Mr. Hébert with Mr. Bob Wilson.
Mr. Griffin with Mr. Edwards of Alabama.
Mr. Andrews of Alabama with Mr. Collier.
Mr. Henderson with Mr. Martin.
Mr. Lennon with Mr. Don H. Clausen.
Mr. Celler with Mr. Anderson of Illinois.
Mr. Addabbo with Mr. Michel.
Mr. Biaggi with Mr. Sandman.
Mr. Dent with Mr. Corbett.
Mr. Dingell with Mr. Price of Texas.
Mr. Donohue with Mr. Frelinghuysen.
Mr. Evins of Tennessee with Mr. Blackburn.
Mr. Fascell with Mr. Myers.
Mr. Fulton of Tennessee with Mr. Bell of California.
Mr. Gallagher with Mr. Broomfield.
Mr. Gray with Mr. Cederberg.
Mr. Rostenkowski with Mr. Pirnie.
Mr. Rooney of New York with Mr. Wydler.
Mr. Shipley with Mr. Whalley.
Mr. Sikes with Mr. Lujan.
Mr. Philbin with Mr. Harvey.
Mr. Nichols with Mr. Johnson of Pennsylvania.
Mr. Miller of California with Mr. Talcott.
Mr. Moss with Mr. Hutchinson.
Mr. Hull with Mr. Minshall.
Mr. Holifield with Mr. Langen.
Mr. Karth with Mr. Scherle.
Mr. Kluczynski with Mr. Mosher.
Mr. Yatron with Mr. Sebelius.
Mr. Moorhead with Mr. Railsback.
Mr. Edwards of California with Mr. Goldwater.
Mr. Burton of California with Mr. Ruppe.
Mr. Burlison of Missouri with Mr. Snyder.
Mr. Podell with Mr. Grover.
Mrs. Sullivan with Mr. Burton of Utah.
Mr. Ullman with Mr. Meskill.
Mr. Landrum with Mr. Morton.
Mr. Colmer with Mr. Pollock.
Mr. de la Garza with Mr. Roudebush.
Mr. Eckhardt with Mr. Steiger of Wisconsin.
Mr. Giaimo with Mr. Wold.
Mrs. Griffiths with Mr. Wyman.
Mr. Hays with Mr. Steiger of Arizona.
Mr. Harrington with Mr. Gubser.
Mr. O'Neal of Georgia with Mr. Foreman.
Mr. McMillan with Mr. Collins of Texas.
Mr. Brown of California with Mr. Powell.
Mr. Anderson of California with Mr. Cramer.
Mr. Anderson of Tennessee with Mr. Brown of Michigan.
Mr. Baring with Mr. Reifel.
Mr. Daddario with Mr. McKneally.
Mr. Dowdy with Mr. Kleppe.
Mr. Gilbert with Mr. Carter.
Mr. Ottinger with Mr. Cunningham.
Mr. Fallon with Mr. Button.
Mr. Farbstein with Mr. Adair.
Mr. Friedel with Mr. Cowger.
Mr. Carney with Mrs. May.
Mr. Taft with Mr. McCulloch.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PULSKI. Mr. Speaker, I ask unanimous consent that all Members may have until midnight tonight to extend their remarks and to include extraneous matter on the conference report on H.R. 13000.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 1421, MAKING FURTHER CONTINUING APPROPRIATIONS, 1971

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 1337, Rept. No. 91–1804) which was referred to the House Calendar and ordered to be printed:

H. RES. 1337

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1421) making further continuing appropriations for the fiscal year 1971, and for other purposes, and all points of order against said joint resolution are hereby waived. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the joint resolution shall be considered as having been read for amendment. No amendments shall be in order to said joint resolution except amendments offered by direction of the Committee on Appropriations, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Appropriations may be offered to the joint resolution at the conclusion of the consideration of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the joint resolution for amend-

Public Law 91-656
91st Congress, H. R. 13000
January 8, 1971

An Act

To amend title 5, United States Code, to authorize the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Pay, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Federal Pay Comparability Act of 1970.

SECTION 1. This Act may be cited as the "Federal Pay Comparability Act of 1970".

RESTATEMENT OF CONGRESSIONAL POLICY ON FEDERAL PAY COMPARABILITY

SEC. 2. (a) Section 5301 of title 5, United States Code, is amended to read as follows: 80 Stat. 458.

"§ 5301. Policy

"(a) It is the policy of Congress that Federal pay fixing for employees under statutory pay systems be based on the principles that—

"(1) there be equal pay for substantially equal work;

"(2) pay distinctions be maintained in keeping with work and performance distinctions;

"(3) Federal pay rates be comparable with private enterprise pay rates for the same levels of work; and

"(4) pay levels for the statutory pay systems be interrelated.

"(b) The pay rates of each statutory pay system shall be fixed and adjusted in accordance with the principles under subsection (a) of this section and the provisions of sections 5305, 5306, and 5308 of this title. Infra.

"(c) For the purpose of this subchapter, 'statutory pay system' means a pay system under— "Statutory pay system."

"(1) subchapter III of this chapter, relating to the General Schedule; Ante, p. 198-1.

"(2) subchapter IV of chapter 14 of title 22, relating to the Foreign Service of the United States; or 22 USC 867, 870.

"(3) chapter 73 of title 38, relating to the Department of Medicine and Surgery, Veterans' Administration.". 38 USC 4107.

(b) (1) Section 5302 of title 5, United States Code, is repealed. Repeal.

(2) The table of sections of subchapter I of chapter 53 of title 5, United States Code, is amended by striking out:

"5302. Annual reports on pay comparability.".

ANNUAL PAY REPORTS AND ADJUSTMENTS; ADVISORY COMMITTEE ON FEDERAL PAY; RELATED PROVISIONS

SEC. 3. (a) Subchapter I of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following: 5 USC 5301.

"§ 5305. Annual pay reports and adjustments

"(a) In order to carry out the policy stated in section 5301 of this title, the President shall—

"(1) direct such agent as he considers appropriate to prepare and submit to him annually, after considering such views and recommendations as may be submitted under the provisions of subsection (b) of this section, a report that—

"(A) compares the rates of pay of the statutory pay systems with the rates of pay for the same levels of work in

private enterprise as determined on the basis of appropriate annual surveys that shall be conducted by the Bureau of Labor Statistics;

"(B) makes recommendations for appropriate adjustments in rates of pay; and

"(C) includes the views and recommendations submitted under the provisions of subsection (b) of this section;

"(2) after considering the report of his agent and the findings and recommendations of the Advisory Committee on Federal Pay reported to him under section 5306(b)(3) of this title, adjust the rates of pay of each statutory pay system in accordance with the principles under section 5301(a) of this title, effective as of the beginning of the first applicable pay period commencing on or after October 1 of the applicable year; and

Post, p. 1949.

Ante, p. 1946.

"(3) transmit to Congress a report of the pay adjustment, together with a copy of the report submitted to him by his agent and the findings and recommendations of the Advisory Committee on Federal Pay reported to him under section 5306(b)(3) of this title.

Report to Congress.

"(b) In carrying out its functions under subsection (a)(1) of this section, the President's agent shall—

Federal Employees Pay Council.

"(1) establish a Federal Employees Pay Council of 5 members who shall not be deemed to be employees of the Government of the United States by reason of appointment to the Council and shall not receive pay by reason of service as members of the Council, who shall be representatives of employee organizations which represent substantial numbers of employees under the statutory pay systems, and who shall be selected with due consideration to such factors as the relative numbers of employees represented by the various organizations, but no more than 3 members of the Council at any one time shall be from a single employee organization, council, federation, alliance, association, or affiliation of employee organizations;

Establishment.

"(2) provide for meetings with the Federal Employees Pay Council and give thorough consideration to the views and recommendations of the Council and the individual views and recommendations, if any, of the members of the Council regarding—

"(A) the coverage of the annual survey conducted by the Bureau of Labor Statistics under subsection (a)(1) of this section (including, but not limited to, the occupations, establishment sizes, industries, and geographical areas to be surveyed);

"(B) the process of comparing the rates of pay of the statutory pay systems with rates of pay for the same levels of work in private enterprise; and

"(C) the adjustments in the rates of pay of the statutory pay systems that should be made to achieve comparability between those rates and the rates of pay for the same levels of work in private enterprise;

"(3) give thorough consideration to the views and recommendations of employee organizations not represented on the Federal Employees Pay Council regarding the subjects in paragraph (2)(A)–(C) of this subsection; and

"(4) include in its report to the President the views and recommendations submitted as provided in this subsection by the Federal Employees Pay Council, by any member of that Council,

and by employee organizations not represented on that Council.

Alternate plan, transmittal to Congress.

"(c)(1) If, because of national emergency or economic conditions affecting the general welfare, the President should, in any year, consider it inappropriate to make the pay adjustment required by subsection (a) of this section, he shall prepare and transmit to Congress before September 1 of that year such alternative plan with respect to a pay adjustment as he considers appropriate, together with the reasons therefor, in lieu of the pay adjustments required by subsection (a) of this section.

Effective date.

"(2) An alternative plan transmitted by the President under paragraph (1) of this subsection becomes effective on the first day of the first applicable pay period commencing on or after October 1 of the applicable year and continues in effect unless, before the end of the first period of 30 calendar days of continuous session of Congress after the date on which the alternative plan is transmitted, either House adopts a resolution disapproving the alternative plan so recommended and submitted, in which case the pay adjustments for the statutory pay systems shall be made effective as provided by subsection (m) of this section. The continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 30-day period.

"(d) Subsections (e)–(k) of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(e) If the committee, to which has been referred a resolution disapproving the alternative plan of the President, has not reported the resolution at the end of 10 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the same plan which has been referred to the committee.

"(f) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same recommendation), and debate thereon is limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(g) If the motion to discharge is agreed to, or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same alternative plan.

"(h) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to an alternative

plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(i) Debate on the resolution is limited to not more than 2 hours, to be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(j) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to an alternative plan, and motions to proceed to the consideration of other business, are decided without debate.

"(k) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to an alternative plan are decided without debate.

"(l) The rates of pay which become effective under this section are the rates of pay applicable to each position concerned, and each class of positions concerned, under a statutory pay system.

"(m) If either House adopts a resolution disapproving an alternative plan submitted under subsection (c) of this section, the President shall take the action required by paragraphs (2) and (3) of subsection (a) of this section and adjust the rates of pay of the statutory pay systems effective as of the beginning of the first applicable pay period commencing on or after the date on which the resolution is adopted, or on or after October 1, whichever is later.

"(n) The rates of pay that take effect under this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

"(1) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of the increases; and

"(2) any prior recommendations or adjustments which took effect under this section or prior provisions of law.

Publication in Federal Register and Code of Federal Regulations. 80 Stat. 469; 81 Stat. 199.

"(o) The rates of pay that take effect under this section shall be printed in the Federal Register and the Code of Federal Regulations.

"(p) An increase in rates of pay that takes effect under this section is not an equivalent increase in pay within the meaning of section 5335 of this title.

"(q) Any rate of pay under this section shall be initially adjusted, effective on the effective date of the rate of pay, under conversion rules prescribed by the President or by such agencies as the President may designate.

"(r) This section does not impair any authority pursuant to which rates of pay may be fixed by administrative action.

"§ 5306. Advisory Committee on Federal Pay

Establishment; membership.

"(a) There is established as an independent establishment an Advisory Committee on Federal Pay, to be composed of 3 members, not otherwise employed in the Government of the United States, appointed by the President. The Director of the Federal Mediation and Conciliation Service shall, and other interested parties may, recommend to the President for his consideration persons generally recognized for their impartiality, knowledge, and experience in the field

of labor relations and pay policy to serve as members. The President shall designate one of the members as Chairman. Each appointment shall be for a term of 6 years, except that one of the original members shall be appointed for a term of 2 years, and another for a term of 4 years. A member appointed to fill a vacancy occurring before the end of the term of his predecessor shall serve for the remainder of that term. When the term of a member ends, he may continue to serve until his successor is appointed.

"(b) To assist the President in carrying out the policy under section 5301 of this title, the Committee shall— Ante, p. 1946.

"(1) review the annual report of the President's agent;

"(2) consider such further views and recommendations with respect to the analysis and pay proposals contained in the annual report of the President's agent as may be presented to it in writing by employee organizations, the President's agent, other officials of the Government of the United States, and such experts as it may consult; and

"(3) report its findings and recommendations to the President.

"(c) The Committee may secure from any Executive agency or military department information, suggestions, estimates, statistics, and technical assistance for the purpose of carrying out its functions. Each such Executive agency or military department shall furnish the information, suggestions, estimates, statistics, and technical assistance directly to the Committee on request of the Committee.

"(d) On request of the Committee the head of any Executive agency or military department may detail, on a reimbursable basis, any of its personnel to assist the Committee in carrying out its functions.

"(e) The Administrator of General Services shall provide administrative support services for the Committee on a reimbursable basis.

"(f) The Committee may obtain services of experts or consultants in accordance with section 3109 of this title but at rates for individuals not to exceed that of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of this chapter. 80 Stat. 416. Ante, p. 198-1.

"(g) Each member of the Committee is entitled to pay at the daily equivalent of the annual rate of basic pay of level IV of the Executive Schedule for each day he is engaged on work of the Committee, and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703(b) of this title. 83 Stat. 863. 5 USC 5315. 80 Stat. 499.

"(h) The Committee may appoint and fix the pay of such personnel as may be necessary to carry out its functions.

"§ 5307. Pay fixed by administrative action

"(a) Notwithstanding section 665 of title 31— 64 Stat. 765.

"(1) the rates of pay of—

"(A) employees in the legislative, executive, and judicial branches of the Government of the United States (except employees whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) and of the government of the District of Columbia, whose rates of pay are fixed by administrative action under law and are not otherwise adjusted under this subchapter;

"(B) employees under the Architect of the Capitol, whose rates of pay are fixed under section 166b–3 of title 40, and the Superintendent of Garages, House office buildings; and 73 Stat. 407; 81 Stat. 638, 775.

"(C) persons employed by the county committees established under section 590h(b) of title 16; and 52 Stat. 31; 78 Stat. 743.

"(2) any minimum or maximum rate of pay (other than a maximum rate equal to or greater than the maximum rate then currently being paid under the General Schedule as a result of the pay adjustment by the President), and any monetary limitation on or monetary allowance for pay, applicable to employees described in subparagraphs (A), (B), and (C) of paragraph (1) of this subsection;

Ante, p. 198-1.

may be adjusted, by the appropriate authority concerned, effective at the beginning of the first applicable pay period commencing on or after the day on which a pay adjustment becomes effective under section 5305 of this title, by whichever of the following methods the appropriate authority concerned considers appropriate—

Ante, p. 1946.

"(i) by an amount or amounts not in excess of the pay adjustment provided under section 5305 of this title for corresponding rates of pay in the appropriate schedule or scale of pay;

"(ii) if there are no corresponding rates of pay, by an amount or amounts equal or equivalent, insofar as practicable and with such exceptions and modifications as may be necessary to provide for appropriate pay relationships between positions, to the amount of the pay adjustment provided under section 5305 of this title; or

"(iii) in the case of minimum or maximum rates of pay, or monetary limitations or allowances with respect to pay, by an amount rounded to the nearest $100 and computed on the basis of a percentage equal or equivalent, insofar as practicable and with such variations as may be appropriate, to the percentage of the pay adjustment provided under section 5305 of this title.

"(b) An adjustment under subsection (a) of this section in rates of pay, minimum or maximum rates of pay, and monetary limitations or allowances with respect to pay, shall be made in such manner as the appropriate authority concerned considers appropriate.

"(c) This section does not authorize any adjustment in the rates of pay of employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(d) This section does not impair any authority under which rates of pay may be fixed by administrative action.

"§ 5308. Pay limitation

"Pay may not be paid, by reason of any provision of this subchapter, at a rate in excess of the rate of basic pay for level V of the Executive Schedule.".

83 Stat. 863.
5 USC 5316.

(b) The table of sections of subchapter I of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following:

80 Stat. 457.

"5305. Annual pay reports and adjustments.
"5306. Advisory Committee on Federal Pay.
"5307. Pay fixed by administrative action.
"5308. Pay limitation.".

(c) The President may make the initial adjustment required by subchapter I of chapter 53 of title 5, United States Code, as amended by this Act, without regard to the provisions of such subchapter relating to the Advisory Committee on Federal Pay and the Federal Employees Pay Council. Notwithstanding any provision of such subchapter I prescribing an effective date of October 1 for any pay adjustment made by the President, the initial adjustment based on the 1970 Bureau of Labor Statistics survey and the adjustment based on the 1971 Bureau of Labor Statistics survey shall become effective on the

Initial adjustment effective date.

first day of the first applicable pay period that begins on or after January 1, 1971, and January 1, 1972, respectively. Notwithstanding the provisions of such subchapter I, the President's agent for purposes of the 1971 and 1972 adjustments shall be the Director, Office of Management and Budget and the Chairman, United States Civil Service Commission. Adjustments under the provisions of such subchapter I shall not apply to employees of the Post Office Department whose basic pay is fixed under the General Schedule.

Ante, p. 1946.

Exception.

SENATE PAY ADJUSTMENTS

SEC. 4. (a) Each time the President adjusts the rates of pay of employees under section 5305 of title 5, United States Code, the President pro tempore of the Senate shall, as he considers appropriate—

(1) (A) adjust the rates of pay of personnel whose pay is disbursed by the Secretary of the Senate, and any minimum or maximum rate applicable to any such personnel; or

(B) in the case of such personnel whose rates of pay are fixed by or pursuant to law at specific rates, adjust such rates (including the adjustment of such specific rates to maximum pay rates) and, in the case of all other personnel whose pay is disbursed by the Secretary of the Senate, adjust only the minimum or maximum rates applicable to such other personnel; and

(2) adjust any limitation or allowance applicable to such personnel;

by percentages which are equal or equivalent, insofar as practicable and with such exceptions as may be necessary to provide for appropriate pay relationships between positions, to the percentages of the adjustments made by the President under such section 5305 for corresponding rates of pay for employees subject to the General Schedule contained in section 5332 of such title. Such rates, limitations, and allowances adjusted by the President pro tempore shall become effective on the first day of the first pay period which begins on or after the day on which any adjustment becomes effective under such section 5305 or section 3(c) of this Act.

Ante, p. 198-1.

(b) The adjustments made by the President pro tempore shall be made in such manner as he considers advisable and shall have the force and effect of law.

(c) Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(d) No rate of pay shall be adjusted under the provisions of this section to an amount in excess of the rate of basic pay for level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

83 Stat. 863.

(e) For purposes of this section, the term "personnel" does not include any Senator.

"Personnel."

PAY ADJUSTMENTS IN THE HOUSE OF REPRESENTATIVES

SEC. 5. (a) Whenever a pay adjustment by the President under section 5305 of title 5, United States Code, is made effective pursuant to subsection (a)(2), or subsections (c) to (m), inclusive, as the case may be, of such section 5305, or section 3(c) of this Act, then the Clerk of the House of Representatives, in such manner as he considers advisable—

(1) effective at the beginning of the first pay period commencing on or after the day on which such pay adjustment by the President is made effective as described above, shall adjust—

Effective date.

(A) each minimum and maximum rate of pay applicable to any employee or class of employees whose pay is disbursed by the Clerk of the House (other than a maximum rate equal to or greater than the maximum rate then currently being paid under the General Schedule of section 5332 of title 5, United States Code, as a result of such pay adjustment by the President); and

Ante, p. 198-1.

(B) each monetary limitation on or monetary allowance for pay applicable to any such employee or class of employees, including but not limited to—

(i) the clerk hire allowance for each Member of the House of Representatives and the Resident Commissioner from Puerto Rico; and

(ii) the allowances for additional office personnel in the offices of the Speaker, the majority leader, the minority leader, the majority whip, and the minority whip, of the House of Representatives;

by an amount rounded to the nearest $100 and computed on the basis of a percentage equal or equivalent, insofar as practicable and with such variations as the Clerk considers appropriate, to the percentage of the pay adjustment made by the President;

(2) shall determine, with respect to the employees and classes of employees within the purview of this section whose pay is disbursed by the Clerk, the respective amounts of pay adjustments which are equal or equivalent, insofar as practicable and with such exceptions and modifications as may be necessary to provide for appropriate pay relationships between positions, to corresponding increases in pay, as determined by the Clerk, made by the pay adjustment by the President; and

(3) shall transmit to the appropriate pay-fixing authority concerned in the House of Representatives a copy of his determinations with respect to the pay of those employees whose pay is fixed and adjusted by that authority.

(b) After consideration of the pay determinations transmitted by the Clerk of the House, the pay-fixing authority concerned may adjust, notwithstanding the provisions contained in section 665 of title 31, United States Code, the rates of pay concerned in such manner as that authority considers appropriate.

64 Stat. 765.

(c) Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(d) This section shall not be deemed to authorize any adjustment in the rates of pay of employees whose rates of pay are disbursed by the Clerk of the House of Representatives and are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices, including employees subject to the House Wage Schedule.

(e) No rate of pay shall be adjusted under this section to an amount in excess of the rate of basic pay of level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

83 Stat. 863.

ALLOWANCES AT REMOTE WORKSITES

SEC. 6. (a) Section 5942 of title 5, United States Code, is amended to read as follows:

80 Stat. 513; 81 Stat. 207.

"§ 5942. Allowance based on duty at remote worksites

"Notwithstanding section 5536 of this title, an employee of an Executive department or an independent establishment who is assigned to

duty, except temporary duty, at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable degree of expense, hardship, and inconvenience, beyond that normally encountered in metropolitan commuting, on the part of the employee in commuting to and from his residence and such worksite, is entitled, in addition to pay otherwise due him, to an allowance of not to exceed $10 a day. The allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and defining and designating those sites, areas, and groups of positions to which the rates apply.".

(b) Notwithstanding section 5536 of title 5, United States Code, and the amendment made by subsection (a) of this section, and until the effective date of regulations prescribed by the President under such amendment— 80 Stat. 484.

(1) allowances may be paid to employees under section 5942 of title 5, United States Code, and the regulations prescribed by the President under such section, as in effect immediately prior to the effective date of this section; and Ante, p. 1953.

(2) such regulations may be amended or revoked in accordance with such section 5942 as in effect immediately prior to the effective date of this section.

(c) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by striking out:

"5942. Allowance based on duty on California offshore islands or at Nevada Test Site."

and inserting in lieu thereof:

"5942. Allowance based on duty at remote worksites.".

ALLOWANCES FOR EMPLOYEES ON FLOATING PLANT OPERATIONS

SEC. 7. (a) Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following new section: 5 USC 5941.

"§ 5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations

"(a) An employee of the Corps of Engineers, Department of the Army, engaged in floating plant operations may be furnished quarters or subsistence, or both, on vessels, without charge, when the furnishing of the quarters or subsistence, or both, is determined to be equitable to the employee concerned, and necessary in the public interest, in connection with such operations.

"(b) Notwithstanding section 5536 of this title, an employee entitled to the benefits of subsection (a) of this section while on a vessel, may be paid, in place of these benefits, an allowance for quarters or subsistence, or both, when—

"(1) adverse weather conditions or similar circumstances beyond the control of the employee or the Corps of Engineers prevent transportation of the employee from shore to the vessel; or

"(2) quarters or subsistence, or both, are not available on the vessel while it is undergoing repairs.

"(c) The quarters or subsistence, or both, or allowance in place thereof, may be furnished or paid only under regulations prescribed by the Secretary of the Army.".

(b) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by adding:

84 STAT. 1955

"5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations."

immediately below:

"5946. Membership fees; expenses of attendance at meetings; limitations.".

Repeal.

(c) The Act entitled "An Act to authorize the furnishing of subsistence and quarters without charge to employees of the Corps of Engineers engaged on floating plant operations", approved May 13, 1955 (69 Stat. 48; Public Law 35, Eighty-fourth Congress), is repealed.

RESTRICTIONS ON POSTAL SERVICE EMPLOYMENT OF RELATIVES

SEC. 8. (a) Section 410(b)(1) of title 39, United States Code, as enacted by section 2 of the Postal Reorganization Act (84 Stat. 725; Public Law 91-375), is amended—

81 Stat. 640.
5 USC 3110.

(1) by inserting "section 3110 (restrictions on employment of relatives)," immediately before "section 3333"; and

(2) by striking out "except that not regulation" and inserting in lieu thereof "except that no regulation".

Effective date.
84 Stat. 787.

(b) The provisions of this section shall become effective on the effective date prescribed under section 15(a) of the Postal Reorganization Act for section 410 of title 39, United States Code, as enacted by that Act.

SUPERGRADES

80 Stat. 453.

SEC. 9. (a) Section 5108(c) of title 5, United States Code, is amended—

(1) in paragraph (8), by striking out the word "and" at the end thereof;

(2) in paragraph (9), by striking out the period at the end thereof and inserting in lieu of the period a semicolon and the word "and"; and

(3) by adding a new paragraph to read as follows:

"(10) the Chief Judge of the United States Tax Court, without regard to this chapter (except section 5114), may place a total of 5 positions in GS-16, 17, and 18.".

Ante, p. 51.

(b) Section 5108(a) of title 5, United States Code, is amended by striking out "2,734" and inserting in lieu thereof "2,754".

Approved January 8, 1971.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-480 (Comm. on Post Office and Civil Service) and No. 91-1685 (Comm. of Conference).
SENATE REPORT No. 91-582 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD:
Vol. 115 (1969): Oct. 14, considered and passed House.
Dec. 12, considered and passed Senate, amended.
Vol. 116 (1970): Dec. 30, Senate agreed to conference report.
Dec. 31, House agreed to conference report.

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11576

Adjusting Rates of Pay for Certain Statutory Pay Systems

By virtue of the authority vested in me by subchapter I of chapter 53 of title 5 of the United States Code, as amended by the Federal Pay Comparability Act of 1970, and section 3(c) of that Act, it is hereby ordered as follows:

General Schedule

SECTION 1. The rates of basic pay in the General Schedule contained in section 5332(a) of title 5 of the United States Code are adjusted as follows:

"GENERAL SCHEDULE

"Grade	"Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
GS-1	$4,326	$4,470	$4,614	$4,758	$4,902	$5,046	$5,190	$5,334	$5,478	$5,622
GS-2	4,807	5,060	5,223	5,386	5,549	5,712	5,875	6,038	6,201	6,364
GS-3	5,524	5,708	5,892	6,076	6,260	6,444	6,628	6,812	6,996	7,180
GS-4	6,202	6,409	6,616	6,823	7,030	7,237	7,444	7,651	7,858	8,065
GS-5	6,938	7,169	7,400	7,631	7,862	8,093	8,324	8,555	8,786	9,017
GS-6	7,727	7,985	8,243	8,501	8,759	9,017	9,275	9,533	9,791	10,049
GS-7	8,582	8,868	9,154	9,440	9,726	10,012	10,298	10,584	10,870	11,156
GS-8	9,493	9,809	10,125	10,441	10,757	11,073	11,389	11,705	12,021	12,337
GS-9	10,470	10,819	11,168	11,517	11,866	12,215	12,564	12,913	13,262	13,611
GS-10	11,517	11,901	12,285	12,669	13,053	13,437	13,821	14,205	14,589	14,973
GS-11	12,615	13,036	13,457	13,878	14,299	14,720	15,141	15,562	15,983	16,404
GS-12	15,040	15,541	16,042	16,543	17,044	17,545	18,046	18,547	19,048	19,549
GS-13	17,761	18,353	18,945	19,537	20,129	20,721	21,313	21,905	22,497	23,089
GS-14	20,815	21,509	22,203	22,897	23,591	24,285	24,979	25,673	26,367	27,061
GS-15	24,251	25,059	25,867	26,675	27,483	28,291	29,099	29,907	30,715	31,523
GS-16	28,129	29,067	30,005	30,943	31,881	32,819	33,757	34,695	35,633	
GS-17	32,546	33,631	34,716	35,801	36,886*					
GS-18	37,624*									

"*The rate of basic pay for employees at these rates is limited by section 5308 of title 5 of the United States Code, as added by the Federal Pay Comparability Act of 1970, to the rate for level V of the Executive Schedule (as of the effective date of this salary adjustment, $36,000)."

Schedules for the Department of Medicine and Surgery of the Veterans' Administration

SEC. 2. The schedules contained in section 4107 of title 38 of the United States Code, for certain positions within the Department of Medicine and Surgery of the Veterans' Administration, are adjusted as follows:

"Section 4103 Schedule

"Assistant Chief Medical Director, $37,624*.
"Medical Director, $32,546 minimum to $36,886 maximum*.
"Director of Nursing Service, $24,251 minimum to $31,523 maximum.
"Director of Chaplain Service, $24,251 minimum to $31,523 maximum.
"Chief Pharmacist, $24,251 minimum to $31,523 maximum.
"Chief Dietitian, $24,251 minimum to $31,523 maximum.

"*The salary for employees at these rates is limited by section 5308 of title 5 of the United States Code, as added by the Federal Pay Comparability Act of 1970, to the rate for level V of the Executive Schedule (as of the effective date of this salary adjustment, $36,000).

"Physician and Dentist Schedule

"Director grade, $28,129 minimum to $35,633 maximum.
"Executive grade, $26,143 minimum to $33,982 maximum.
"Chief grade, $24,251 minimum to $31,523 maximum.
"Senior grade, $20,815 minimum to $27,061 maximum.
"Intermediate grade, $17,761 minimum to $23,089 maximum.
"Full grade, $15,040 minimum to $19,549 maximum.
"Associate grade, $12,615 minimum to $16,404 maximum.

"Nurse Schedule

"Assistant Director grade, $20,815 minimum to $27,061 maximum.
"Chief grade, $17,761 minimum to $23,089 maximum.
"Senior grade, $15,040 minimum to $19,549 maximum.
"Intermediate grade, $12,615 minimum to $16,404 maximum.
"Full grade, $10,470 minimum to $13,611 maximum.
"Associate grade, $9,026 minimum to $11,735 maximum.
"Junior grade, $7,727 minimum to $10,049 maximum."

Foreign Service Schedules

SEC. 3. (a) The per annum salaries of Foreign Service officers in the schedule contained in section 412 of the Foreign Service Act of 1946, as amended (22 U.S.C. 867), are adjusted as follows:

"Class 1	$35,617	$38,804*	$37,624*					
Class 2	27,935	28,866	29,797	$30,728	$31,659	$32,590	$33,521	
Class 3	22,135	22,873	23,611	24,349	25,087	25,825	26,563	
Class 4	17,761	18,353	18,945	19,537	20,129	20,721	21,313	
Class 5	14,432	14,913	15,394	15,875	16,356	16,837	17,318	
Class 6	11,918	12,315	12,712	13,109	13,506	13,903	14,300	
Class 7	10,014	10,348	10,682	11,016	11,350	11,684	12,018	
Class 8	8,582	8,868	9,154	9,440	9,726	10,012	10,298	

*The salary for employees at these rates is limited by section 5308 of title 5 of the United States Code, as added by the Federal Pay Comparability Act of 1970, to the rate for level V of the Executive Schedule (as of the effective date of this salary adjustment, $36,000)."

(b) The per annum salaries of staff officers and employees in the schedule contained in section 415 of the Foreign Service Act of 1946, as amended (22 U.S.C. 870(a)), are adjusted as follows:

"Class 1	$22,135	$22,873	$23,611	$24,349	$25,087	$25,825	$26,563	$27,301	$28,039	$28,777
Class 2	17,761	18,353	18,945	19,537	20,129	20,721	21,313	21,905	22,497	23,089
Class 3	14,432	14,913	15,394	15,875	16,356	16,837	17,318	17,799	18,280	18,761
Class 4	11,918	12,315	12,712	13,109	13,506	13,903	14,300	14,697	15,094	15,491
Class 5	10,692	11,048	11,404	11,760	12,116	12,472	12,828	13,184	13,540	13,896
Class 6	9,587	9,907	10,227	10,547	10,867	11,187	11,507	11,827	12,147	12,467
Class 7	8,508	8,885	9,172	9,459	9,746	10,033	10,320	10,607	10,894	11,181
Class 8	7,712	7,969	8,226	8,483	8,740	8,997	9,254	9,511	9,768	10,025
Class 9	6,915	7,146	7,377	7,608	7,839	8,070	8,301	8,532	8,763	8,994
Class 10	6,202	6,409	6,616	6,823	7,030	7,237	7,444	7,651	7,858	8,065";

Conversion Rules

SEC. 4. The agencies hereinafter designated shall prescribe such rules as may be necessary to convert the rates of basic pay or salaries of officers and employees to the rates prescribed in this order:

(1) General Schedule, the Civil Service Commission;

(2) Schedules for the Department of Medicine and Surgery of the Veterans' Administration, the Veterans' Administration;

(3) Foreign Service schedules, the Department of State.

Effective Date

SEC. 5. This order shall take effect as of the first day of the first applicable pay period beginning on or after January 1, 1971.

Richard Nixon

THE WHITE HOUSE,
January 8, 1971.

[FR Doc.71-463 Filed 1-11-71;10:53 am]